IS LAW IMPORTANT?

Law is a little bit like air. It is everywhere and, without it, our society would not exist.

Yet, because law is so much a part of what we do, how we do it and, sometimes, why we do it, for the most part, we ignore the law … at least until something happens that makes us think Hey, that’s not right! For most people, the law is seen as something that only members of parliament, police officers, judges and lawyers need to know about it. Sure, the law has a high profile in books, movies, television shows and even songs (I fought the law (and the law won!)). But almost always, that legal context is crime. However, criminal law is only a part of the law.

What is law?
Law is a system of rules that allows our society to function. The law sets the framework for a great many of the interactions between members of our society (including legal creations like companies and trusts).

Each law can be broadly categorised by reference to what it seeks to achieve. For example, property law helps us determine what it means to own, lease or just possess property and how to transfer that property. Those property rights (and obligations) and the ability to enforce them frees us from the burden of always needing to physically hold on to our property.

Of course, the need for each law and where the law sits on the spectrum of possible applications, enforcement and consequences for breach changes as society changes, as time passes and as technology develops.

What if we didn’t have law?
Without law, life would be poor, nasty, brutish and short. Law gives us the framework for interaction. Without it, every aspect of each interaction would need to be identified, negotiated, agreed and enforced. The law significantly reduces the number of matters to be dealt with and provides the means to enforce such agreements.

Imagine if the law did not require that we drive on the left side of roads. Each road user would need to negotiate, and agree, with every other user which side to use.

Where does law come from?
Our law is a combination of what our Parliament has enacted (statute law) and what judges in this country (and, in some cases, Britain) have said is the law (common law and equity) over hundreds of years.

So, what do lawyers do?
As a business lawyer, I use my legal knowledge and skills to help people achieve their business objectives: establish or buy their business, raise money (from lenders and investors), buy and sell goods and services, employ people, identify and manage risk (including which laws apply) and, eventually, sell those businesses. I get to help make positive things happen.

Where to from here?
Over the next few months, my Auld Brewer colleagues and I will explain a range of our society’s key laws and legal concepts. If you misunderstand, misuse or just don’t know about such laws and concepts, then you, your family, your business and our society could all be worse off. Fresh air is good for you.