

to simplify matters where I think simplification will assist the student, and where any potential misconceptions will naturally be corrected by wider reading.

For the fourth edition, small changes have been made throughout, to reflect developments both in the subject and in the author's understanding of it.

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## INTRODUCTION

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"Jurisprudence" is the term normally used in English-speaking countries to refer to general theoretical reflections upon law and justice. "Philosophy of law" is an equally good label. Lawyers are mostly down-to-earth types, and mention of "philosophy" is likely to send them rushing for the exit. To most people, philosophers seem to spend their time asking unanswerable questions, or doubting obvious common sense. Why then should a lawyer need to know anything at all about philosophy?

The principal reasons for studying jurisprudence are intellectual: the object of the enterprise is to achieve a clear understanding, not to improve one's professional skills. Since plenty of otherwise intelligent and fairly well-educated people are quite devoid of intellectual interests, one should perhaps not expect them to enjoy studying jurisprudence. Yet, even for them, jurisprudence should occupy a necessary place in their legal education. Even in its most mundane aspects, the lawyer's business is a matter of argument and reasoning. It may be true that one can learn to engage in this practice by immersion and experience, without much intellectual reflection: but one is then simply the conduit for assumptions and understandings that one has never subjected to serious scrutiny. As we shall see in a moment, the taken-for-granted perspectives of practical men and women are sometimes but the residue of yesterday's philosophy.

It is a mistake to ground the importance of jurisprudence upon a set of claims about its practical implications. Nevertheless, the subject can have practical implications, and may even be increasingly likely to assume great practical importance. In periods of settled legal development, lawyers can operate with the assumptions that they absorbed while studying the standard doctrinal subjects. Having been adopted in this non-reflective manner, the relevant framework of ideas may be invisible to those who daily invoke it: it is like the air that they breathe. Even the air may come to occupy one's conscious attention when its supply is disrupted or polluted, however.

When the legal order confronts new challenges in a period of