

BOOK REVIEWS

**Grant Holley, *Review of Management and the Law*:
FT Pitman Publishing, 1996. \$29.95.**

After the turbulent fallout from the excesses of big business in the 1980s there can be little doubt that the impact of the law and the legal system upon the business and commercial community is immense and growing stronger. A good manager today must not only possess strong interpersonal skills, a flair for leadership and shrewd business acumen - she or he must also be at least aware of the legal obligations and responsibilities which arise not only in relation to them in their position, but also to the company in general.

Given that the areas of law which may affect the management of a company are extremely varied - and are by no means confined to what was traditionally labelled "business law", it seems that managers must either be expert in several of these distinct topics or engage a barrage of legal advisers with skills in areas as diverse as employment law, torts, environmental law and discrimination law to name but a few.

Essentially, the manager is not expected to be a lawyer. So how then is she or he to cope with the complex operation of the law as it affects their business? The answer seemingly put forward by the publication of Grant Holley's *Management and the Law* is to assist managers to be generally familiar with numerous components of the law so that when they come into contact with problems in the course of their duties, they can at least identify those which require a legal response.

To that end, *Management and the Law* is a neat little book which succeeds within its rather limited parameters. The preface states that it is intended to be a "readable and practical reference for business managers" and that it "is of the nature of general comment only". The remainder of the book lives up to these statements. It certainly is a "readable" book, but

one wonders whether that has more to do with the fact that vast areas of the law are dealt with in such startling brevity, than the lucid prose of the author. Certainly, my most serious criticism of this book is that it over-achieves in its goal of simplicity. Whilst we are often told that a more detailed treatment is "beyond the scope of this book" the reader cannot help feeling that Holley has underestimated his audience ever so slightly. Clearly, this approach is preferable to presenting managers with a weighty tome abundant in legalese, but there is surely a middle ground to be struck. As it is, *Management and the Law* is readable but also tantalisingly lightweight.

This perception is not remedied by two particular flaws - one decidedly more serious than the other. The first is the almost complete absence of referencing for the law as it is presented in the chapters of the book (the author occasionally cites legislation, but rarely case law). The motive behind this omission would appear to be, once again, the desire for a simplified, easy to read, general commentary on those areas of the law with which managers may come into contact. Be that as it may, it surely would not have been unreasonable to expect that the author give readers some authorities to support the views which have been expressed. This could have been done quite simply by referencing using endnotes which would not greatly interfere with the layout and flow of the main text. This factor combined with the sentence in the preface where the author and publishers "expressly disclaim any liability to any person in respect of any action taken or not taken in reliance on the contents of this book" makes the reader hesitant to put much store in any of what Holley says, which is a shame as, for the most part, it is a fine and accurate statement of a number of areas of the law. Sadly, this lack of referencing prevents the book from having a dual purpose as a text for use by students studying law electives as part of a management degree.

The second feature which this reader felt to be a significant compromise to the book's success was the use of childish cartoons, which invariably are employed as space fillers or for "light relief". Such a device seems twee in the extreme and misconceived in a work targeted primarily at individuals in senior employment positions.

As a result of these criticisms of brevity and lack of depth, perhaps it is not surprising that the best chapters of *Management and the Law* are those which do not attempt to present a thumb-nail sketch of an area of law, but rather give managers sound advice in dealing with the legal system.

In particular, the sections which cover “dealing with the bureaucracy”, “dealing with lawyers” and “recovering debts” demonstrate the idea Holley was pursuing in writing the book, in a way that the numerous snapshots of the content of the law cannot. Especially appropriate is the concluding chapter on ethics. The style which the author has adopted is clearly more suitable to topics such as these than areas of “black letter” law.

Thus, upon reading *Management and the Law* one is convinced of the worth of Holley’s endeavour, which despite its flaws, takes a significant step in filling a definite gap left open by the traditional legal publishers. Managers are obviously going to come into contact with a whole host of problems involving the law - short of studying law, how can they expect to cope? The answer lies in the publication of books, such as this, which aim to expose the law and its possible effects. However, this reader does not hold the view that in order to make law accessible we should reduce it to a base simplicity. To do so can have the unintended effect of further enhancing the perception of law as a mysterious science, as the rationale and authority for the various rules is unclear to the outsider.

In summary, this book accomplishes what it sets out to achieve. It is an adept summation of the many pieces of legal information which managers may be required to know. Generally it is well written and the overall format of the book (particularly the section entitled “Quick-find answers to commonly asked questions”) is well chosen. The reader’s satisfaction with *Management and the Law* will depend in large part upon his or her view as to when simplification of the law becomes a self-defeating exercise. Personally, this reviewer felt that the book would have benefited from slightly more text and being more thoroughly referenced. The chapters offering practical advice concerning management and the legal experience were clearly the strongest and should, perhaps, have received greater attention as a focal point for the remainder of the work. Certainly, this book is a welcome publication due to its concentration on an often neglected topic. It will be interesting to observe whether further works try to capture this market and what approaches they adopt in doing so.

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