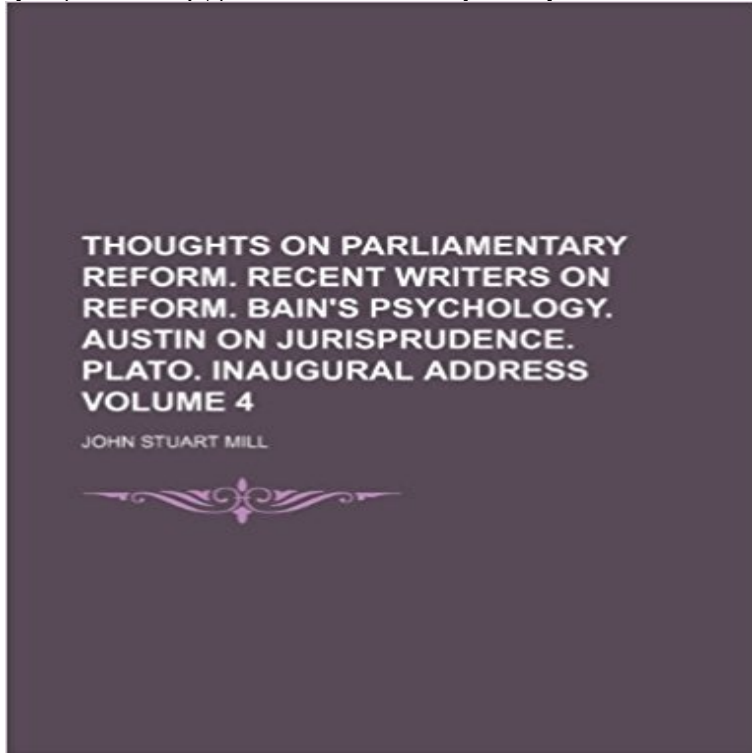


# Thoughts on parliamentary reform. Recent writers on reform. Bains psychology. Austin on jurisprudence. Plato. Inaugural address Volume 4



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1873 edition. Excerpt: ...performed on a particular occasion, and performed on a small scale? If it be possible to extract from a case, or from a few cases, the ratio decidendi, or general principle of decision, it is possible to extract from all decided cases their respective grounds of decisions, and to turn them into a body of law, abstract in its form, and therefore compact and accessible. Assuming that judiciary law is really law, it clearly may be codified. I admit that no code can be complete or perfect. But it may be less incomplete than judge-made law, and (if well constructed) free from the great defects which I have pointed out in the latter. It may be brief, compact, systematic, and therefore knowable as far as it goes. (Vol. ii. pp. 374--377.) The Notes on Codification contain, in substance, all that is required to meet any of the objections against codification generally, or in the abstract; but their The most popular, though one of the most superficial, of the objections, is the supposed failure of existing codes, especially the French and the Prussian. To this Mr. Austin answers, substantially, two things: First, that the failure of the French and Prussian codes has been greatly exaggerated, and that, with all their defects, they are still vastly superior to the state of

things which preceded them. Secondly, that in so far as those codes do fall short of what is required in a code, it is owing to defects which are obvious and avoidable, and, above all, because they are not really codes; for the Code Napoleon is without a single definition, and the Prussian Code has none that are adequate, so that the meaning of all the law terms had either to be fixed by judiciary law, or ascertained by referring back to the old law which was...

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