

Lesson 17.- Liberal Codes

-Liberal codes aim.- French and German Codes.- Spanish Codes & Liberal Revolution.- First codes: 1829 Trade Code.- Moderate Code: 1848 Criminal Code.- The Long Road to the Civil Code: 1888-1889.

Liberal Codes Aim

- **Codification Origins**
- **Natural rationalism**
- **Enlightenment**
- **National law**
- **French Revolution**

- **Codes new ways**
 - **Breaking with the past**
 - **Limited works from few basic principles**
 - **Organized by Subjects**
 - **Fewer extra legal considerations**
 - **Simplicity**

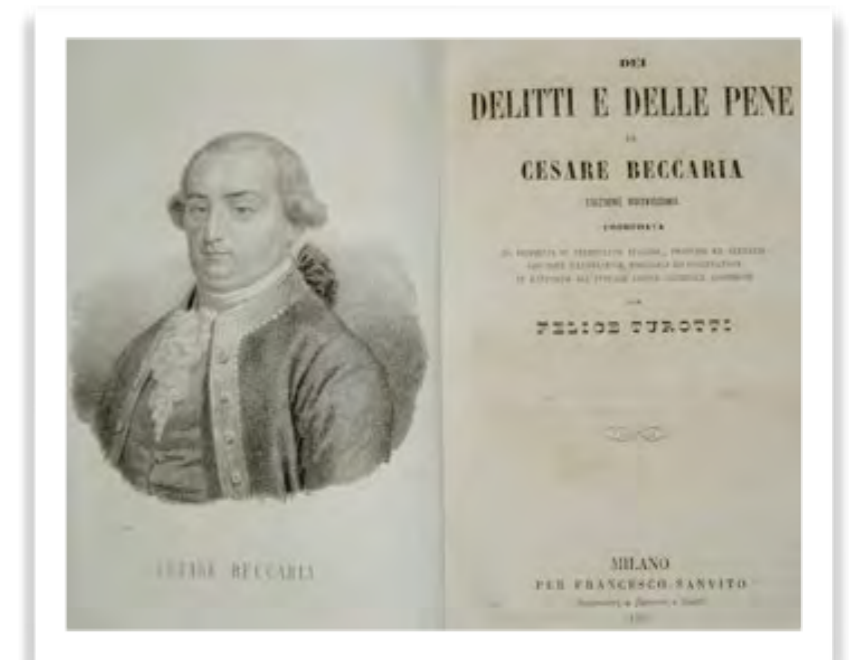
- **Content**
 - **Civil: equality, family, property, freedom**
 - **Criminal: legality, reduction of penalties**
 - **Trade: clear and objective dispositions**
 - **Civil Procedure: simplification, judiciary rearrangement**
 - **Criminal Procedure: orality and publicity, effective defence, prison reform.**

- **Approval**
 - **Parliaments/legislative power**

«En 1793 había que echar por tierra el inmenso edificio de lo pasado y hacer la conquista de las ideas, de las instituciones, de las propiedades. Fácil es conocer cómo un sistema de muerte, aplicado como palanca a la demolición de un monumento colosal, pudo dar la fuerza necesaria a los espíritus perversos; mas ahora todo está por tierra: ideas, instituciones, propiedades...»



François-René de Chateaubriand



Cesare Beccaria

French Codes

- 5-VII-1790. Legal Changes
- 1804, *Code de Napoleón*

Previous works by the french doctrine: Domat, Pothier...

- Influence
 - Europe: Belgium, Sardinia, Sicily, Switzerland, Netherlands, Piedmont, Spain
 - America: Louissiana, México, Southamerica...
- The school of exegesis and positivism



German Codes

- Thibaut vs. [Savigny](#)
- La pandectística
- Scientific Positivism. System. Roman Law. The legal Concepts
- German Civil Code (B.G.B.) (1896)
- Influence: Switzertlansd, Japan, China, Brasil, Italy



Anton Friedrich Justus Thibaut



Friedrich Carl von Savigny

