Codification. Codification is the reduction of all rules of law, so far as practicable, to the form of enacted law. It is sometimes said that the predominant motive for codification was a desire to render the law certain, but this was really overshadowed by the desire to replace the differing laws of the various provinces or states by a system that was national and unified. Two types of countries tend to adopt codes: those with well-developed systems where the possibility of further development is remote for the moment : those with undeveloped systems which cannot grapple with new economic problems.

In this respect, England lags far behind the Continent. Since the middle of the eighteenth century, the process has been going on in European countries, countries of the Middle East including the Arab countries, and those of the Far East, the Americas, and Africa, and is now all but complete. Nearly everywhere the old confused mixture of civil, canon, customary, and enacted law has given place to codes constructed with more or less skill and success. Even in England, and the other countries to which English law has spread, tentative steps are being taken on the same road. Certain isolated and well-developed portions of the common law, such as the law of bills of exchange, of partnership, and of sale, have been selected for transformation into statutory form. However, in countries in which the force of judicial precedents is supreme, codification must not be understood to involve the total abolition of precedent as a source of law. Codification means, not the total disappearance of case law, but merely the reversal of the relation between it and statute law. It means that the substance and body of the law shall be enacted law, and that case law shall be incidental and supplementary only. No legislative skill can effectually anticipate the complexity and variety of the facts. The function of precedent will be to supplement, to interpret, to reconcile, and to develop the principles which the code contains.