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AN ANALYSIS
OF
CRIMINAL LIABILITY.

CHAPTER I.

THE CHARACTER, END AND OPERATION OF CRIMINAL
SANCTIONS.

It is not my intention here to enter upon a definition of Law, or a criticism of the well-known definition given by Austin¹. Elsewhere I have endeavoured to shew that the sense, in which this and similar names are ordinarily employed, covers *every* rule of conduct, actually obtaining among a class of human beings, by sanctions of human displeasure. Since, however, my present subject merely extends to such laws as are administered, and such sanctions as are applied, by the *magistrates* of a state or political society, I may omit the cases which Austin's definition, improperly as it seems to me, excludes.

Magisterial sanctions may be distinguished among themselves by their character, the procedure or mode in which, and the end or purpose with which, they are applied.

¹ Lect. 6, p. 339. "Every positive law (or every law simply and strictly so-called) is set, directly or circuitously, by a sovereign individual or body, to a member or members of the independent political society wherein its author is supreme" and *passim*.