

They mean simply broad general rules of law. Austin seems to mean 'essentials, fundamentals, basal ideas and conceptions.'

Apart from this, these passages give us no general and comprehensive understanding of the scope and contents of Jurisprudence, nor shall we get one until we realize that all 'notions and distinctions' of law are notions or distinctions about different relations with each other into which men are born, or grow, or enter by some form of voluntary transaction, or are placed in by the law itself; and the distinctions between these relations, and between rights and obligations implied in, arising from, or otherwise attached to them. Law is concerned only with relations between persons, and consequences arising therefrom. These relations may be between one or more individuals, and people in general, as for example the relation between a man who owns a certain piece of property, and people in general who do not own it; or they may be between one or more individuals and one or more other individuals, as for example relations arising out of contract, or the relation which arises between one who has done another an injury and the man he has injured. The subject of Jurisprudence is such of these relations as the law recognizes by attaching rights or obligations to one or other, or both the parties, to them; and the legal character of such rights and obligations. These relations, and the ideas involved in the very conception of them, and the principles for regulating them, are the common element in all mature systems of law. Professor Holland brings this out very clearly. Jurisprudence, he tells us, is 'the formal science of those relations of mankind which are generally recognized as having legal consequences'.¹ Or, again, Jurisprudence, he says, 'is a formal, or analytical science, opposed to a material science; that is to say, it deals rather with the various relations which are regulated by legal rules than with the rules themselves which regulate those relations.'²

What, however, may puzzle the student of Professor Holland's book is, that after the first chapter in which he thus defines the subject-matter of Jurisprudence, we hear nothing more of relations *eo nomine*. What Professor Holland proceeds to do is first to define and explain what is meant by positive law, finding in the result, that it is 'a general rule of external human action enforced by a sovereign political authority'.³ Then he proceeds to enumerate and discuss the various sources from which the rules of positive law are derived. Next he explains that law exists for the definition and protection of rights; and analyses a legal right into its essential elements. He then explains the leading classifications of

¹ Jurisprudence, 10th ed., p. 9.

² Ibid., p. 6.

³ Ibid., p. 40.