



LAW REFORM

The first step in the process [of Law Reform] is to convince people that reform is required. This, even today, is not quite as easy as it looks. In a broadcast talk on Law Reform, Professor Goodhart lists the forces which constitute a hindrance to legal reform. The first hindrance he mentions is the firm prejudice in some people against any alteration in the law : “ Even today ”, he says, “ there are some people who tend to regard any alteration in the law as impious ”. The second obstacle he refers to is indolence : “ Having once become accustomed to a rule, the ordinary man dislikes the mental effort which any change will entail on his part ”. The third hindrance mentioned is the fear of change : “ The view that it is better to accept the evil one knows rather than risk an evil of which one is ignorant.” The fourth obstruction given us is lack of knowledge of what can be done : “ It may be recognised that a rule is not working in a satisfactory manner, but nevertheless it may be difficult to suggest that a better rule can be substituted for it.” The final and greatest hindrance which Professor Goodhart mentions is the lack of adequate machinery, especially in Parliament. . . .

It will be realised that the first three hindrances mentioned by Professor Goodhart tend to explain, though not to excuse, the passive resistance to changes in the law. I would like to mention a further hindrance encouraging the same kind of resistance. The study of historical origins and developments often tends to engender an unwholesome respect for rules, procedures and institutions that served their purpose well in their day but have long become outmoded encumbrances. Many of the valuable legacies bequeathed to its own and subsequent generations by the Historical School of Jurisprudence have often been eloquently extolled. But I must point out that its disservice to the process of law reform has been generally overlooked.

—David Hughes Parry, “ Reflections on the Process of Law Reform ”, *Current Legal Problems* (1959), p. 2.