

Blackstone y Bentham: los precedentes judiciales versus el “código completo de leyes”

RENZO CAVANI

Blackstone and Bentham: Judicial Precedents Versus the “Complete Code of Laws”

Abstract: In this essay I defend two arguments. The first one is that William Blackstone would not be a supporter of the fact that judicial precedents would be merely persuasive, as it is widely said; on the contrary, he defends their authority and bindingness despite of the fact that he did not provide a clear criterion for deciding when not to follow them. The second argument is that Jeremy Bentham was never a supporter of a strong constrain of judicial precedents and that, in the maturity of his thinking (with his proposal of the *Pannomion*, that is, a complete body of laws that ought to replace the *common law*), he ended by denying any authority to precedents. This will be useful to criticize a wellknown thesis among scholars, defended by Jim Evans, according to which Bentham’s ideas would be one of the historical causes for the origin of modern doctrine of *stare decisis* in England.

Keywords: William Blackstone, Jeremy Bentham, Judicial precedents, *Stare decisis*, *Pannomion*.

notizie di POLITEIA, XLI, 157, 2025. ISSN 1128-2401 pp. 70-88