

Common Law & Civil Law

Law

The two dominant legal traditions, and how they differ in practice.

Common law

- Precedent binds later courts
- Law develops case by case
- Adversarial procedure
- Judges as referees between parties
- England, US, Australia, India

Civil law

- Comprehensive written codes
- Cases illustrate, rarely bind
- Inquisitorial procedure
- Judges investigate actively
- France, Germany, Japan, Brazil

THE DIFFERENCE THAT MATTERS

The traditions have converged considerably: civil systems consult prior decisions, and common law systems are heavily statutory.

Educational reference. Many systems are mixed, combining features of both alongside religious or customary law.