

Comparison: Common Law v. Civil Law Systems

**COMPARISON:
COMMON LAW v. CIVIL LAW SYSTEMS**

SYSTEM FEATURES	COMMON LAW SYSTEMS	CIVIL LAW SYSTEMS
CONTINUITY OF LEGAL SYSTEM	Evolutionary	Arbitrary
MAJOR SOURCE OF LAW	Custom & Practice	Legislative Statutes
RELIANCE ON PRECEDENT	Yes (Strong)	No (Weak)
JUDICIAL ROLE IN LAW-MAKING	Active & Creative	Passive & Technical
ROLE OF LEGAL SCHOLARSHIP	Secondary & Peripheral	Extensive & Influential
JUDICIAL REVIEW OF STATUTES & EXECUTIVE ACTIONS	Yes	No
MAJOR DECISION STAGE	Trial	Investigation & Examination
TRIAL FORMAT	Accusatorial/Confrontational	Inquisitorial/Collaborative
USE OF ARGUMENT & DEBATE	Extensive & Fundamental	Modest & Restricted
STYLE OF LEGAL REASONING	Inductive	Deductive
TRIAL EMPHASIS ON	Procedural Correctness	Factual Certainty
EVIDENTIARY RULES	Formal & Restrictive (Exclusionary Rule)	None (All Evidence Considered)
ROLE OF LAWYERS DURING TRIAL	Primary	Secondary
FUNCTIONS OF LAWYERS	Debate & Oppose	Advise & Inform
JUDGE'S ROLE DURING TRIAL	Referee/Umpire	Director/Examiner
SELECTION OF JUDGES	Political Appointment From Practicing Lawyers	Merit Advancement From Judicial Specialists
STATUS OF JUDGES	Political VIPs	Mid-Level Civil Servants
CITIZEN TRIAL PARTICIPATION	Juries (Grand & Petit)	Members of Judicial Panels
APPELLATE REVIEW FOCUS	Procedural	Procedural & Substantive
UNITY OF COURT STRUCTURE	Unified Court Structure	Diffused Court Structures (Multiple Specialised Courts)