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21 May 2007 by John

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Henry Merryman  
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The common law  
tradition emerged in  
England during the  
Middle Ages and was  
applied within British  
colonies across  
continents. The civil  
law tradition

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developed in  
continental Europe at  
the same time and  
was applied in the  
colonies of European  
impe- rial powers  
such as Spain and  
Portugal. Civil law  
was also adopted in  
the nineteenth and  
twentieth centuries by  
countries formerly  
possessing distinc-  
tive legal traditions,

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such as Russia and  
Japan, that sought to  
reform their legal  
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## Systems Of THE COMMON LAW AND CIVIL LAW TRADITIONS

Civil law is a legal  
system originating in  
Continental Europe  
and adopted in much  
of the world. The civil  
law system is

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Intellectualized within the framework of Roman law, and with core principles codified into a referable system, which serves as the primary source of law. The civil law system is often contrasted with the common law system, which originated in medieval England, whose

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Intellectual framework  
historically came from  
uncodified judge-  
made case law, and  
gives precedential  
authority to

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An Introduction to ...

In a civil law system,  
a judge merely

establishes the facts

of a case and applies

remedies found in the  
codified law. As a

result, lawmakers,

scholars, and legal

experts hold much

more influence over

how the legal system

is administered than

judges. How We Got

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Here. Both civil law and common law systems originated in Europe.

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Designed for the general reader, this is a concise history and analysis of the civil law tradition, which is dominant in most of

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many parts of Asia,  
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The civil law tradition  
is the oldest and most  
widely distributed

legal system (evident  
from the map below),  
dating back to 450  
B.C in its

origins.<sup>8</sup> Even though  
it is the older of the

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two systems, the civil law took exponentially longer to develop than the common law, the genesis of which was swift in comparison.

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which is dominant in  
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