# Intro to Civil Law Legal Systems

## INPROL Consolidated Response (09-002)

With contributions from William L. Sells, Barry Walsh, Alex Paredes-Penades, Bruce Zagaris, Timothy Keeton, Tom Chaseman, Rick Messick, Don Chisholm, Anabela Atanasi, John Nikita, and Rain Liivoja.

Prepared by Scott N. Carlson

# INTRO TO CIVIL LAW LEGAL SYSTEMS

## INPROL Consolidated Response (09-002)

May 2009

**Submitted by:** Julie Broome, Program Director, CEELI Institute

**Drafted by:** Scott Carlson, INPROL ROL Facilitator, U.S. Institute of Peace

**With contributions from:**

1. William L. Sells , Analyst, Center for Law and Military Operations.
2. Barry Walsh, Director, Walsh, Barry & Associates Pty Ltd.
3. Alex Paredes-Penades, Legal Contractor, Special Court for Sierra Leone
4. Bruce Zagaris, Berliner Corcoran & Rowe LLP
5. Timothy Keeton, Kirkuk Provincial Reconstruction Team
6. Tom Chaseman, Rule of Law Specialist, Self-Employed
7. Rick Messick, Senior Public Sector Specialist, The World Bank
8. Don Chisholm, Senior Criminal Justice Advisor, INL
9. Anabela Atanasio Alves, European & Developing Countries Clinical Trials Partnership
10. Neil Pouliot, Chief Superintendent (Ret.), Royal Canadian Mounted Police
11. Rain Liivoja, Research Fellow, Academy of Finland

The full text of the responses provided by these INPROL members can be found at http://www.inprol.org/node/4126. INPROL invites further comment by members.

**Note:** USIP Program Assistant Morgan Miller participated in the assembly of this response, and Michael Hartmann, Agnieszka Klonowieczka-Milart, and Isabel Hight of the INPROL Council of Experts provided critical feedback on the draft. All opinions stated in this consolidated response have been made in a personal capacity and do not necessarily reflect the views of particular organizations. INPROL does not explicitly advocate policies.

INPROL is a project of the United States Institute of Peace with facilitation support from the Center of Excellence for Stability Police Units, the Pearson Peacekeeping Centre, the Public International Law & Policy Group, the Swedish Police Peace Support Operations and the United States Department of State's Bureau of International Narcotics and Law Enforcement Affairs.

# INTRO TO CIVIL LAW LEGAL SYSTEMS

## Background:

The process of globalization is intertwining the legal systems of all nations, making an understanding of our differences and similarities a useful, if not essential, tool for working in this new global environment. In terms of the post-conflict reconstruction and development projects, there are two predominant legal cultures involved in providing technical assistance: Common Law and Civil Law.

Though these terms are frequently used as if they are self-defining, the contemporary reality is that it is increasingly difficult to identify countries with solely one legal tradition or the other. The cross-pollination between these legal cultures has enriched both traditions, creating a global legal mosaic.

This trend has contributed to a renaissance in the study of comparative law. What was once considered an arcane field solely of academic interest is increasingly viewed as a practical asset. Legal professionals working across borders have found that the distinctions between, and within, the Common and Civil Law traditions have significance for their practice. Moreover, while differences are often presumed, a careful analysis sometimes reveals striking similarities that surprise members from both traditions.

A basic understanding of these differences and similarities is the foundation of a common legal vocabulary and a necessary first step for bridging the divide between legal cultures. This Consolidated Response is designed to introduce professionals from outside the Civil Law realm to some of its core features, as well as draw distinctions with other legal traditions such as Common Law. This Consolidated Response *does not* attempt to introduce Common Law to Civil Law practitioners, *nor* does it attempt to describe the increasingly numerous hybrid systems. Rather, it purports to give a Common Law practitioner a basic introduction to the key features of the classic Civil Law system.

## Query:

I am looking for a good summary of the major differences between Civil Law and Common Law systems that I can share with new staff and volunteers working on technical legal assistance projects in foreign jurisdictions. I would like to find something as brief and practical as possible. What are the best publications that are available?

## Response Summary:

The conceptual distinctions between Civil Law and Common Law systems are noteworthy in certain areas, but at the same time, there appears to be growing agreement that the substantive differences are becoming increasingly less significant. However, in the context of rule of law promotion efforts, a basic understanding of the conceptual and practical differences, as well as similarities, is very important to collaborative efforts that cross these legal cultural boundaries in the field-work environment.

As an initial step, Common Law lawyers who wish to become conversant in Civil Law systems should develop a basic grasp of at least four aspects of the traditional Civil Law system. These can be broadly defined as follows: 1) Public v. Private Law: A conceptual distinction that shapes the structure of the Civil Law system; 2) Codes and Case-Law: Civil Lawyers look to the code and commentaries more than cases, and the doctrine of *stare decisis* (case-law precedent) does not per se apply; 3) Legal Education System: Civil Law is an undergraduate discipline that has a very different format from U.S. post-graduate legal education or U.K.-style undergraduate programs; and 4) Legal Profession: Civil Law lawyers often choose particular professional focal areas during or at the end of their law school, and they rarely switch professional paths later in their careers.

With this context, the Common Law lawyer is well-equipped to understand the more intricate issues involved in the procedural rules that circumscribe and define the elements of both civil and criminal trials. Indeed, it is arguable that the Civil Law approach to trial procedure is where a Common Law lawyer will find the most striking differences. In many cases, a Common Law lawyer will expect to play a larger role in trial proceedings than his or her Civil Law counterpart.

Interestingly, these sharp distinctions in terms of approach have softened substantially in the area of constitutional judicial review. Though the procedures will still differ in practical terms, the outcomes may actually be substantively similar regardless of the traditional categorization of a country as Civil or Common Law in approach. Legal cultures that follow the doctrine of parliamentary supremacy, e.g., England and France, will not permit courts to overturn parliamentary acts without the consent of the legislative bodies. Likewise, legal cultures that embrace constitutional control of parliamentary acts, e.g., Germany and the United States, will not only allow for judicial examination but also enforce constitutional rulings that reject ordinary legislation on constitutional grounds.

## I. What is Civil Law?

The term Civil Law refers to a legal family that organically emerged from the European Continent, starting during the Roman Empire. It was not until the 19th Century, however, that this body of law was assembled, organized, and distributed across the continent. France and Germany are considered to be prime examples of this codification effort. In the 20th century a number of elaborations were made to these laws, producing the Civil Law most know today. This term for a particular legal family is not to be confused with the use of the term "civil law" to describe the laws and procedures governing a case in controversy between private litigants.

### A. Roman and Other Roots of Civil Law

***Corpus Juris Civilis*:** In the 6th Century, the Roman Emperor Justinian decided to organize and assemble the scattered legislation and legal commentary of the Empire. The *Corpus Juris Civilis* was the result—a comprehensive reduction of Roman Law to a single, written text. It was divided into basic sections familiar to those with knowledge of today's civil codes: Of Persons (Family Law), Of Things (Property Law), and Of Obligations (Contracts and Torts). In the years following, this comprehensive text spread throughout Europe. During the period between the 11th and 15th Centuries, Roman Law was revived and studied by scholars in Italy, and some customary law was incorporated.

**Canon Law of Roman Catholic Church:** Beginning in the 12th Century and continuing through the 16th Century, ecclesiastical courts evolved within the Roman Catholic Church. The codes that arose under this legal family dealt with clerical issues, sources of law, marriage, and penal law. The ecclesiastical courts are known for the introduction of methods for documenting proceedings, legal argumentation by the parties, and legal reasoning as the basis for all decisions.[1]

***Lex Mercatoria* or Law Merchant:** The other key development of the medieval period was the various laws arising from commerce between the Italian peninsula and other ports of the Mediterranean Sea. While each city's code varied, Barcelona's *Consolata Del Mare* was translated into Latin, French, and Italian and spread throughout Europe, and this law became influential in the region.[2]

**Scandinavia, British Isles, etc. as distinct:** While today's Scandinavia was heavily influenced by the Civil Law of the continent, some scholars would not classify Scandinavian countries as pure Civil Law jurisdictions. For example, their system of legislation does not mirror the codes of the Continental systems.[3] The British Isles also developed differently, forming the common ancestor of the American system, or the Common Law. Finally, it should be noted that the Socialist Law of the Cold War Period, while it drew heavily from the Civil Law tradition, was a wholly separate branch as well.[4]

---

[1] James G. Apple and Robert P. Deyling, *A Primer on the Civil Law System*, FEDERAL JUDICIAL CENTER 9 (April 1995), available online at http://www.fjc.gov/public/pdf.nsf/lookup/CivilLaw.pdf/$file/CivilLaw.pdf

[2] *Id.* at pp. 10-11.

[3] JOHN H. MERRYMAN, THE CIVIL LAW TRADITION 5 (Stanford University Press, 2nd Ed. 1985).

[4] PETER DE CRUZ, COMPARATIVE LAW IN A CHANGING WORLD 183-84 (Cavendish Publishing Ltd. 1995).

### B. Modern Codification of Civil Law in the 19th Century

In the Enlightenment Period, the belief in the power of reason led scholars to turn to the issue of codification on the continent. While many countries contributed to the codification process, the leaders were France and Germany, which undertook to synthesize the various bodies of European law described in sub-section A above into a coherent whole.

**France:** Napoleon Bonaparte spearheaded the development of the modern civil code, and its dissemination in the countries he conquered. In 1800, he appointed four distinguished lawyers. They met approximately 100 times in four years, producing the *Code Civil des Francais* (a.k.a. the *Code Napoléon*) in 1804 that consisted of three books and 2000+ articles. The basic structure of the Code Napoléon is as follows: General Principles: Publication, application, and effect; Book I (Arts. 7-515): Status of persons, marriage, divorce, and paternity; Book II (Arts. 516-710): Real and personal property; and Book III (Arts. 711-2281): Contracts, torts, and security Interests.[5]

**Germany:** In 1873, a German commission was established to bring a uniform civil code to the newly-unified German state. The comprehensive *Bugerliches Gesetzgebuch* (*BGB*) was approved in 1896, and it went into effect on January 1, 1900. The basic structure of the *BGB* is as follows: Book I: General Principles, definitions, prescriptive periods, and classification of legal acts; Book II: Contracts and torts; Book III: Real and Personal Property; Book IV: Family law including marriage; and Book V: Law of succession, wills, etc.[6]

These codifications of the substantive aspects of Civil Law were later matched with similar efforts in procedural matters, as well substantive and procedural areas of criminal law.

### C. Major Influences, Modifications, and Enhancements in the 20th Century

**Austrian Constitutional Court:** In 1920, the Austrians introduced onto the Continent a permanent, "centralized" system of *judicial review* utilizing a specialized Constitutional Court. This centralized system of constitutional review should be contrasted with the American "diffuse" system whereby all courts are empowered to address constitutional issues. This specialized Constitutional Court is commonly considered to be formally outside of the judicial system for reasons that will be explained below.[7]

**De-codification:** The complexities of 20th life, commerce in particular, have led to what is sometimes referred to as the "decodification" of Civil Law, which has several meanings: 1) proliferation of additional specialized legislation, such as labor codes; 2) delegation of authority to the executive branch; and 3) judge-made law, such as the torts/consumer protection jurisprudence in France and Germany. Summarized another way: The legal science or *positivism* that spurred the creation of these codes, which were to cover all conceivable circumstances, gave way to the practicalities of modern life, allowing specialty areas of law to develop outside the traditional mechanism of comprehensive codification.

**Council of Europe:** The establishment of the Council of Europe (CoE) in 1949 and its accompanying international jurisprudence under the European Convention on Human

[5] JOHN BELL, SOPHIE BYRON, AND SIMON WHITTAKER, PRINCIPLES OF FRENCH LAW 23-24 (Oxford University Press 1998).
[6] Apple and Deyling, *supra* note 1, pp. 15-16.
[7] *See* HERBERT HAUSMANINGER, THE AUSTRIAN LEGAL SYSTEM 127-45 (Kluwer Law International 1998).

Rights have had a dramatic influence on the development of human rights law within Member States. The CoE membership spans Europe and the former Soviet Union, and it should not be confused with membership in the European Union despite the considerable geographic overlap between the two distinct multilateral organizations.

**European Union:** Since 1957, the development of the European Union (EU) and its accompanying supranational legislation and jurisprudence have had an intense effect on the formulation of domestic law within the Member States, which now include all major Western European states based on the Continental legal tradition. Of particular note is the fact that the EU encompasses countries that do not follow the Continental tradition, so the process of developing supranational legislation that they can all agree on has served to further harmonize the various legal traditions in a number of different areas.

## II. Defining Elements of the Civil Law System?

To quickly grasp the outlines of the Civil Law system, a common law lawyer should be familiar with some basic concepts, as well as differences in approach to certain issues. These can be broadly defined as follows: 1) Public v. Private Law: A conceptual distinction that shapes the legal architecture of the Civil Law system; 2) Codes and Case-Law: Civil Lawyers look to the code and commentaries more than cases, and the doctrine of *stare decisis* (case-law precedent) does not per se apply; 3) Legal Education System: Civil Law is an undergraduate discipline that has a very different format from U.S. post-graduate legal education or U.K.-style undergraduate programs; and 4) Legal Profession: Civil law lawyers often choose particular professional focal areas during or at the end of their law school, and they rarely switch professional paths later in their careers. Each of these topics is examined below.

### A. Public v. Private Law

**Fundamental Concept**: Despite its fundamental nature, there is an emerging debate as to its theoretical scope. Nevertheless, the distinction could be described as follows:

*Private Law:* Sole function of the government is to recognize and provide enforcement of individual (private) rights. Examples of this would be commercial codes and civil codes; and

*Public Law:* The state is acting to protect and promote public interests. Examples of this would be administrative law, constitutional law, and criminal law.

**Legal Structures:** Court systems generally utilize this public-private distinction. “Ordinary courts” handle private law and the basic public law field of criminal law. Specialized “administrative courts” handle other areas of public law. Legal education and practice generally divide on similar lines.

**Usage by Civil Lawyers:** All Civil Law lawyers will reference this distinction. It is seen as basic to an understanding of all legal theory, and it gives guidance to Civil Law practitioners about the nature and effect of individual rights. For example, in private law matters there will generally be more discretion as to remedies, but in the case of public law matters, the remedies will be legislatively prescribed and constrain judicial discretion. Due to the latter, certain Common Law practices, such as plea bargaining in

criminal cases, have been historically understood to be prohibited because the public law sphere has legislatively prescribed penalties that limit a judge's discretion.[8]

**Modern Scope**: With the advent of constitutionalism, decline in parliamentary supremacy, and the increase in *judicial review*, the public-private distinction is increasingly difficult to apply uniformly across jurisdictions.[9] Consequently, many Civil Law jurisdictions now admit greater judicial discretion in traditional areas of public law.

### B. Codes and Case-Law

The most common distinction noted between Civil and Common Law systems is probably the difference in the way in which the two traditions approach codes and case-law. The standard axiom is that Civil Law systems are based on codes, and Common Law systems are based on case-law. As previously noted, Civil Law systems commonly trace their ancestry to the 6th Century and the Roman Emperor Justinian's massive codification project, the *Corpus Juris Civilis*. In contrast, Common Law systems typically trace their ancestry to judicial decisions dating back to the early period of the British royal monarchy. However, globalization has made this distinction increasingly murky. Many Common Law systems have core codes,[10] and Civil Law systems have embraced case-law.[11] Where the differences are more significant is at the conceptual level of how and what to codify.

In Civil Law systems, the core codes share a similar architecture by design. As a general proposition, all Civil Law systems base their legal system on four codes, the civil code, civil procedure code, criminal code, and criminal procedure code. These codes are drafted as a coherent set of principles that are intended to provide an organic framework around which the rest of the legal system can be structured.

Given the organic nature of these laws, a Civil Law lawyer frequently commences his or her legal research by consulting one of these codes. In keeping with the tradition of *legal positivism*, the law is viewed from a "scientific" perspective and learned scholars, usually law professors, are viewed as an authoritative source of interpretive material. Members of parliament would rarely venture to legislate on an issue without extensive consultations with accepted experts, and judges will cite scholarly doctrine in support of their conclusions.

In general, Common Law codes do not share such a coherent structure, and they are frequently more detailed and case specific. This approach reflects a more piecemeal approach to the drafting of laws, which is typically driven by contemporary events and circumstances arising in case-law. Thus, though a Common Law lawyer may also start his or her research with a code provision, there is a high degree of likelihood that case-law will need to be consulted immediately to discern underlying principles, considerations, and nuances.

Moreover, the Common Law doctrine of *stare decisis* requires this attention to case-law, for the failure to identify and analyze the relevant case precedents could be tantamount

---

[8] However, the equivalent of plea bargaining is making its way into classic Civil Law systems. See CRAIG M. BRADLEY, CRIMINAL PROCEDURE: A WORLDWIDE STUDY 265 (North Carolina Press, 2nd Ed. 2007).

[9] Apple & Deyling, *supra* note 1, p. 26.

[10] The commercial and tax codes of common law countries are voluminous, providing many of the same operative rules and structures found in civil law countries.

[11] In the 1950s and 60s, courts in France and Germany were called upon to decide novel issues in the area of consumer protection and labor law. Without clear legislative guidance, these decisions substantially shaped these rapidly evolving areas of law.

to malpractice. Case-law precedent is law in the Common Law system, and a judge is required to apply precedent to cases before him or her. Thus, a single, controlling decision from a higher court may be dispositive of a particular controversy. Outside of the constitutional realm, a single case would generally not be considered to have such dispositive force in a Civil Law system.[12] For case decisions to have a similar effect, they must reflect an established pattern of decision-making. A series of cases enunciating and supporting the same rule is required, and only when this consistency is present will legal scholars classify the case-law as *jurisprudence constante*, signifying an established, persuasive line of legal reasoning.

In the 1800s, the German Friedrich Carl von Savigny laid down the basics of legal science *(Rechtswissenschaft*) when he set forth his vision of a united Germany that was not united under a single law, but rather an "organically progressive legal science which may be common to the whole nation."[13] This approach was termed "pandectist," and it was based upon the notion that legal scholars (i.e. professors) were ideally suited to develop an internally consistent and logical system of rules.[14]

From this foundation, any understanding of the Civil Law system must start with the axiom that the common law doctrine of *stare decisis* does not apply. However, one must immediately begin to backtrack in practical terms. In modern Civil Law jurisdictions, all lawyers and judges will make sure to consult the relevant case law. Taking a position contrary to an existing line of court decisions would be risky at best, and it is not commonly done. As noted, the French refer to a series of analogous case decisions as *jurisprudence constante,* and it is understood to be an important source of persuasive authority.

Thus, not surprisingly, in the post-WWII era, both French and German courts have been activist in certain areas, such as consumer protection and labor matters. For example, in Germany, when efforts to draft a comprehensive labor code foundered in the post war period, the Federal Labor Court in Germany (*Bundesarbeitsgericht*) moved forward, developing this area with its extensive body of case law. This follows naturally from the notion that the often simple provisions in the basic Civil Law codes have by necessity been interpreted to handle situations that were clearly never contemplated by the drafters. These types of decisions may even be referenced as "judge-made law."[15] That said, judicial decisions are still structured somewhat differently—with French decisions being particularly known for their terse approach.

### C. Legal Education System

As noted previously, the legal education and certification systems are core areas that reflect the underlying origins and philosophy of Civil Law. Notions of parliamentary supremacy cause the judiciary to be viewed more in civil servant terms, and substantive divisions of law shape the training and certification of attorneys. The standard legal education is a four-year undergraduate program, and there is typically a legal internship—practical training period—that precedes sitting for the bar exam. Some Civil Law jurisdictions, e.g., France and the Netherlands have elaborate judicial schools—

[12] With constitutional matters, civil law countries following the Austro-Germanic traditions will have Constitutional Courts, which may issue decisions that are binding *erga omnes*.
[13] Reinhard Zimmerman, *An Introduction to German Legal Culture*, *in* INTRODUCTION TO GERMAN LAW 4 (Werner F. Ebke & Matthew W.Finkin eds.1996).
[14] NIGEL FOSTER, GERMAN LEGAL SYSTEM & LAWS 20 (Blackstone Press, 2nd ed., 1993).
[15] Zimmerman, *supra* note 13, pp. 1-21; DE CRUZ, *supra* note 4, pp. 69-70.

commonly referred to as Magistrates Schools. These are geared towards prepping candidates for the judicial profession and typically result in new members to the judiciary with little, if any, experience as a practicing attorney—in notable contrast to most Common Law systems.

**Students:** Consistent with Continental university systems, almost anyone who qualifies for university may pursue the study of law. There is generally nothing comparable to the U.S. Law School Admissions Test (LSAT). However, once admitted, the programs are frequently competitive, and large numbers are failed at various points in the program. Students are encouraged to decide early whether they wish to be a judge, notary, government lawyer, or private lawyer. The American practice of rotating between professional categories is uncommon. Given the competitive nature of law school itself and the bar exam, graduates frequently choose not to "practice" in the American sense.

**Professors:** It is not uncommon for law professors to also practice either privately or in a part-time capacity with the judiciary. There is an arduous tenure track, and anyone who wishes to become a professor will likely serve for a number of years as an "academic assistant." These assistants typically teach the smaller seminar sessions associated with the big classes, and they service the research needs of the chaired professor. It is not uncommon for persons attaining professorships to be between 35 and 40 years old. In the first two years of law school, classes of 400-500 are not unheard of and attendance is normally optional. Thus, the classes are not particularly interactive. Smaller associated seminars are where discussions take place. Oral exams are commonplace, and they may be the first time a student talks with his or her professor.

Civil law jurisdictions do not view the bar exam as the monolithic, ultimate test of who is qualified to practice. The concept of a licensing exam(s) is important, but different in many respects. For instance, it may involve more than one mandatory exam. To get a taste for the variety, consider Germany and France:

**Germany:** When law students have completed their courses, they conclude their studies with the passage of the First State Exam, or *Erstes juristiches Staatsexamen.* They are not given a diploma and then allowed to sit for the "bar" exam. The Court of Appeals for the region administers this First State Exam, and a mixture of professors and practitioners grade the exams. The examination is conducted in two stages: written and oral. In Bavaria, for instance, the written consists of 8 five-hour papers, and the oral is 4-5 hours with 4-5 students facing four examiners. Private law is always a substantial focus of the exam. 20-25% typically fail. Those who pass do a two-year practical training and then sit for the Second State Exam, or *Zweites juristiches Staatsexamen*, which is more like the the bar exam. This exam is administered by senior civil servants, lawyers, and judges. The written segment in the southern states (*Länder*) is commonly 12 five-hour exams followed by an extensive oral exam. Law professors generally do not participate in this stage of the exam. All who pass the Second State Exam become *Assessors*, who are fully-qualified to practice law.[16] Special certifications, such as in tax, are options as well.

**France:** To become what we view as a lawyer, or *avocat*, you must first obtain a university law degree or its equivalent. Currently, the typical course after that is to obtain what is a rough equivalent of the U.S. bar exam known as the *certificat d'aptitude à la profession d'avocat* (*CAPA*). However, persons wishing to take this exam must first take a year-long course that is dedicated to both theory and practice. The Centers for

[16] *See* Zimmerman, *supra* note 13, pp. 27-34.

Professional Preparation, or *centres de formation professionelle,* manage the *CAPA* program. The requisite coursework for the *CAPA* emphasizes practical aspects such as oral argument and legal drafting, as well as brief training periods. An entrance exam before 7 legal professionals, who are a mixture of professors, judges, and lawyers, is mandatory. The same group will administer the final exam at the end of the *CAPA* program. Graduates with their *CAPA* are then enrolled on the register of trainee lawyers, *liste des stagieres.* The trainee, or *stagiere*, chooses a geographic area and interns with an *avocat's* office there for a period normally lasting two years.[17]

In virtually all Civil Law systems, there is an apprenticeship period, like the "articling" process in the English legal system model. This practical training is typically a pre-requisite to the licensing exam process and/or full admission to the practice of law. However, there are widespread differences in how the process is structured. For example, in Germany, the process is wholly-state run. The practical legal training, or *referendardienst*, places trainees, or *referendare*, in training posts of three-four months, which are supplemented with planned training programs. The trainees receive a modest salary and generally work in criminal and civil courts, prosecutor's offices, law offices, and with administrative bodies throughout the course of their training. In contrast, some states, or *kantons*, in Switzerland have a more informal program where students seek out and secure their own training in accordance with their future career goals. As mentioned previously, France has the pre-*CAPA* training period, which resembles Germany, coupled with a post-*CAPA* training period that is more flexible. In the latter, the first year is generally required to be with an established attorney. However, the second year can be a wide variety of places, including a foreign law firm.[18]

One distinctive feature of some civil law systems is the presence of a Magistrates School. These programs are designed to provide specialized training to potential judges and prosecutors. The term magistrate is given a broader meaning in the French cognate, *magistrat*, where it refers to lawyers who hold state offices including the ordinary judges and prosecutors. The ordinary judges should always be contrasted with the administrative judge in the French system.

Perhaps the most well-known example of a Magistrate School is the French National Legal Service College, or *Ecole Nationale de la Magistrature*, in Bordeaux. In France, entrance to the *Ecole* is through an open competitive process. In keeping with the French emphasis on the judge as civil servant, personnel with 5 years of civil service are allowed to compete along with avocats, law graduates, and law lecturers for judicial openings. Successful entrants follow a 31-month course that involves both training and internships. At the completion of this training the judge is appointed to an "ordinary" court. The appointment is accomplished through a Presidential Decree based on the recommendation of the Minister of Justice and with the assent of the High Council of Judges and State Prosecutors.[19]

### D. Legal Profession

One often hears that the U.S. has too many lawyers—particularly when compared with Europe. However, such comparisons are problematic as the definition of lawyer in Europe is not so simple. Several different groups actually provide legal advice as understood in the American sense of the word (It should be noted in this regard that the

[17] *See* CHRISTIAN DADOMO & SUSAN FARRAN, THE FRENCH LEGAL SYSTEM 114-55 (Sweet & Maxwell 1996).
[18] *See* Zimmerman, *supra* note 13, pp. 27-34; Dadomo & Farran, *supra* note 17.
[19] Dadomo & Farran, *supra* note 17.

U.K. solicitor v. barrister distinction approximates the Continental approach). There are at least three typical Civil Law distinctions: lawyers, or advocates; notaries; and non-lawyers entitled to provide legal advice. Some systems, France in particular, have other distinctions.

The Civil Law lawyer, or advocate, is the closest thing to the U.S. version of the lawyer. The advocate has the right to appear in court on behalf of the client where, with a few exceptions, other legal professionals do not. It is very common for the advocate to be barred in a geographic subdivision and limited to practicing within that subdivision in much the same way a U.S. lawyer is a member of a particular state bar. As a general rule, the actual practice of the profession is more highly regulated. Fee schedules are not unusual, and historically, there have been restrictions on the formulation of corporate entities resulting in smaller firms.[20]

While it is unusual to have university level coursework in legal ethics, most advocates operate within a bar association that has a code of ethics. The Code of Conduct for Lawyers in the European Union (CCBE Code)[21] sets some overarching rules that are typically followed. U.S. lawyers will find that the CCBE is more general, as it places greater trust in the integrity of the lawyer, when compared to that American Bar Association (ABA) Model Rules of Professional Conduct.[22] In contrast to the U.S., lawyers are rarely sued and the ethics codes are not generally viewed as a basis for lawsuits.[23] Complaints concerning malpractice are typically handled totally as a bar disciplinary matter.

In sharp contrast to the advocate, the Civil Law notary has no ready U.S. analogue. Today in the U.S., the notary has a very limited role, and in Civil Law jurisdictions, the notary typically has a large role. Some of the chief aspects of this role are:

**Drafting**: Notaries commonly draft articles of incorporation, contracts, wills, conveyances of land, etc. While advocates may be involved as well, it is not unusual to find notaries handling the majority of this type of work.

**Certification**: When a Civil Law notary authenticates a document, it becomes a "public act" that is more than a simple statement of what the notary witnessed. It is also given evidentiary weight as to what the parties "said." Thus, statements contradicting a public act are inadmissible in court. To challenge a public act requires a separate judicial proceeding, which is rarely done.

**Safeguarding Records**: Civil Law notaries are required to keep official copies of every document they prepare, and they serve as a source of official records.

**Quasi-Monopolies**: It is common for a notary to share a geographic area with a limited number of notaries. To get a position, notaries commonly pass a certification exam and are awarded a territory. Access to the profession is as a rule quite limited.[24]

In various Civil Law jurisdictions, other professionals may perform legal services. However, these are generally limited to the substantive sphere associated with their profession, e.g. insurance. That said, it would be unusual for someone who did not stay within their substantive field to be sanctioned for practicing law without a license.[25]

---

[20] Merryman, *supra* note 3, pp. 104-106.
[21] See the website of the Council of Bars and Law Societies of Europe, online at http://www.ccbe.eu/index.php?id=32&L=0
[22] See the website of the American Bar Association, online at http://www.abanet.org/cpr/mrpc/mrpc_toc.html
[23] Mary C. Daly, *What Every Lawyer Needs to Know About the Civil Law System*, *in* THE PROFESSIONAL LAWYER 46-47 (ABA 1998).
[24] Merryman, *supra* note 3, pp. 104-106.
[25] *See* Daly, *supra* note 23, p. 41.

## III. Trials and Rules of Procedure

### A. What is the "Inquisitorial System"?

Civil Law trials and procedures are defined by what is commonly referred to as the "inquisitorial system." This system is contrasted with the U.S./U.K. adversarial system. The central difference is the role of the judge. In an inquisitorial system, the role of the judge is more interventionist--controlling all aspects of the trial including questioning of witnesses. This more active role affects the way court records are established, proceedings conducted, and the approach to appeals, and it derives from the core Civil Law notion that a trial is a search for the truth, not a refereed battle of adversaries.

Despite the deferential posture of ordinary Civil Law courts on the issue of *judicial review*, the "inquisitorial" systems of the Continent place more responsibility for the trial procedure on the judge than is typical for a Common Law court. By way of contrast, the adversarial model that is usually employed in Common Law systems places more responsibility on the litigants. As with other distinctions, this difference has become less pronounced in recent years,[26] but it nevertheless continues to shape many aspects of trial procedure.

Perhaps most notable for a Common Law practitioner is the difference in evidentiary discovery rules. In a Civil Law system, "fishing expeditions" are not generally permitted. That is to say the investigation of facts likely to lead to an admissible fact is circumscribed. Civil Law judges guide the gathering of evidence as a rule, and while litigants may be involved in the process, they do not orchestrate the presentation of evidence. While reforms in Common Law discovery practice have increased the role of the judges in discovery, the litigants remain the driving force.

Similarly, Civil Law judges generally handle the questioning of witnesses. Civil Law litigants do play an active role in formulating questions for the judges to pose, but a direct, active role for litigants, such as in cross examination, is unusual. The limited role of Civil Law litigants is not only a function of judicial authority, but also it reflects the Civil Law system's bias against witness-based evidence. Civil Law systems commonly consider witness testimony one of the lowest standards of proof.[27]

In contrast, Common Law systems are characterized by litigant examination of witnesses under judicial supervision. While it is acknowledged that witnesses are human and, as such, not objective, Common Law systems rely on robust cross-examination to test the veracity and competence of witnesses. During trial, prosecution and defense will put forward witnesses that may well offer competing versions of events.

The Common Law competition between witnesses is notorious for its "battle(s) of the experts" where each side produces a competing professional analysis of a fact(s) at issue. Criticism of this process has grown in recent years with opponents noting that neither judges nor juries are particularly well positioned to evaluate conflicting technical/scientific analyses. Civil Law systems avoid this situation through the use of court appointed experts. When technical issues arise, a Civil Law judge may consult a

---

[26] *E.g.*, The Civil Law investigative judge, who is extensively involved in the preparation of the case, is on the decline in Civil Law systems. Instead, these responsibilities are being shifted to the prosecutor as in the adversarial Common Law systems. This phenomenon is particular prevalent in modern post-conflict criminal and criminal procedure codes. For example, both Bosnia and Kosovo have adopted investigative prosecutors, who are neutral magistrates. While, as noted in the introduction, these hybrid systems are beyond the scope of this paper, it is useful to bear in mind that law is in a constant state of evolution.

[27] See Bradley, *supra* note 8, p. 2.

list of noted professionals in the area, choosing one for his or her established expertise on the topic. However, such judicial control can also limit the range of expertise brought to bear in litigation.

These differences in the way the respective systems approach witnesses affects the nature and significance of the trial record. Given its emphasis on witnesses and cross-examination, Common Law systems frequently have verbatim transcripts, which become part of the record. In Civil Law systems, a judge or judicial clerk commonly summarize each courtroom activity, including witness responses. The summary constitutes an integral part of the trial record, and it is shared with the parties and the witnesses for their review, and typically approval. Their comments are usually noted and, where relevant, forwarded on appeal.

The absence of a verbatim transcript in the record may seem shocking at first to a Common Law practitioner accustomed to a court stenographer or recording device, who could anticipate that its absence would jeopardize prospects for an effective appeal. However, unlike the situation with Common Law, the Civil Law practitioner's case generally receives *de novo* review on appeal. So, the consequences of a mistake in the trial record, while not insubstantial, are not necessarily outcome determinative.

Though there are notable exceptions, the standard practice in Civil Law systems is to conduct a trial before a professional judge(s) who may be joined by lay "assessors" (judges) at the final argument. This reliance on the professional judge at the early stages of a trial alters the very nature of the trial process itself. Adversarial presentations before a full court only occur at the end stage. In the preceding stages, a Civil Law trial is really a series of meetings, as opposed to one central, extended court session before a jury. Consequently, while appeals impose additional expenses on the system, the Civil Law practice of *de novo* review on appeal does not risk undermining a jury verdict, as a general rule, nor does it risk incurring additional jury-related costs.

With its reliance on juries as the trier of fact, a Common Law system is driven by a concern for the common citizens called to serve, and this consideration has thus promoted rules and practices that emphasize efficiency and finality in the trial fact-finding process. From a Common Law perspective, a *de novo* review appeal would imply that a new jury be empanelled. Failure to do so would call into question the right to jury trial and recast the process of adducing facts altogether.

Given this background, there are several background points that deserve further emphasis:

**Court System:** The basic structures in a Civil Law court system resemble that of the Common Law. There is a court of first instance, court of appeals, and supreme court. Also, there are systems of specialized courts with limited subject matter jurisdiction.

**Juries**: With a few exceptions there are no juries in Civil Law systems. For example, in France, serious crimes are heard by the approximately 100 *cour d'assises,* and these courts sit with three judges and nine lay jurors. [28] However, even in places where there are no juries, legal professionals do not always decide the cases. In Germany, non-technical input is secured through the lay judges, as opposed to juries.[29]

---

[28] *See* Dadomo & Farran, *supra* note 17, p. 73.

[29] STEPHEN C. THAMAN, COMPARATIVE CRIMINAL PROCEDURE: A CASEBOOK APPROACH 19 (Carolina Academic Press, 2nd Ed. 2008)(discussing Spain); Bradley, *supra* note 8, pp. 236, 264, & 269.

***De Novo* Appeals**: As a rule, all first appeals in a Civil Law system are on both facts and law, and judges of the second instance may bring in relevant additional evidence.

### B. Non-Criminal (Civil) Trials in the "Inquisitorial System"

The Civil Law approach to civil litigation is distinctly different from the Common Law system. Adversaries are not free to guide the debate on the merits. The judges are central to all aspects of adducing the facts of the case.

**Discovery**: As noted, evidentiary discovery is limited, and it is not under the control of the parties. Investigation of facts likely to lead to admissible facts is circumscribed. Judges guide and conduct the gathering of evidence as a rule.

**Witnesses:** Judges will almost always handle the questioning of witnesses. Direct cross-examination is unusual. That said, litigants typically play an active role in formulating questions for the judge to put to witnesses. This flows from a strong bias against witness-based evidence. Again, the testimony of witnesses is viewed generally as the lowest form of proof.[30]

**Transcripts**: In sharp contrast to the U.S., every word of the proceeding is not generally recorded and transcribed. A witness is questioned, and the judge generally dictates a summary to the clerk.[31] The parties and the witness then generally review it for accuracy, and this summary is what is entered into the record.

As alluded to above, the most important point to note is that there are no trials in the Common Law sense of the word. The trial is really a series of meetings between the parties and the court--combined with numerous exchanges of written documents. While there is a move towards consolidating procedures on the continent, the parties do not have control over discovery so there is no extreme pressure to get it right before your day in court to avoid surprise and embarrassment. The Common Law system has been structured in a concentrated way to minimize inconvenience for the lay-person who are called to serve as jurors. When you eliminate this feature, the need for "immediacy"--as Professor Merryman terms it--is not as urgent—nor is the possibility of harm deriving from the element of surprise.

With the understanding that generalizations about Civil Law are difficult to make, one could summarize a civil trial in a Civil Law system in three stages. Though there are trends towards "consolidation," particularly in Germanic jurisdictions, it is still common to view civil trials as consisting of three separate stages:

**Preliminary**: Pleadings are submitted and a "hearing" or "instructing" judge is appointed.

**Evidence-Taking**: The hearing/instructor judge takes evidence and develops a summary written record of the facts of the case for the trial.

**Decisionmaking**: Judges—sometimes including lay judges—review the written summary record, review counsel's briefs, hear arguments, and render decisions.

Notably there is:

---

[30] *See* Astrid Stadler, *The Law of Civil Procedure*, *in* INTRODUCTION TO GERMAN LAW 365-67 (Werner F. Ebke & Matthew W.Finkin eds.1996).
[31] Bradley, *supra* note 8, p. 232.

**No Single Trial Event**: It is still very common to have a large number of discrete appearances and written acts despite the move towards consolidation.

**No Cross Examination**: While both Common Law and Civil Law systems are "dispositive" systems with the parties shaping the best way to present the case, there are differences in what is allowed particularly in questioning witnesses. As noted previously, Civil Law judges ask the questions. They do so based on "articles of proof" submitted by the parties to each other and the judge in advance of the questioning system. On the day of questioning, cross-examination is, as a rule, not allowed.

### C. Criminal Trials in the "Inquisitorial System"

The Civil Law approach to criminal litigation is also distinctly different from the Common Law system. Again, adversaries are not generally free to guide the trial process, and the judges control all aspects of adducing the facts of the case in the search for truth. As in the case of civil procedure, there is a trend towards "consolidation," particularly in Germanic jurisdictions.[32] In 1975, Germany merged the entire pre-trial process into one phase with the prosecutor and police handling matters as is the case in the U.S. However, in other countries, it is still common to view criminal trials as consisting of three separate stages:

**Investigative**: The public prosecutor commonly controls this phase, which starts with the police investigation and ends with the issuance of a document akin to an indictment. The prosecutor has considerable discretion and may discontinue a case for insufficient evidence.[33]

**Examining**: Once the prosecutor lodges his/her findings, the examining judge takes over and begins to conduct a comprehensive examination of the relevant facts in the case. The examining judge takes evidence and develops a summary written record of the facts of the case for the trial.[34] If the examining judges certifies that a crime has been committed and the accused is the perpetrator, the matter moves forward for a trial under an indictment. The accused and his/her legal counsel normally have access to the full dossier on the case that is proceeding to trial—a significant distinction to a U.S. trial.

**Trial**: The trial itself is designed to enable a presentation of an entire, previously assembled case to the trial judges and lay judges thereby permitting argument as to the particulars. It is a public event.

**No Plea Bargaining:** This U.S. practice is generally forbidden in Western Civil Law countries because it is seen as frustrating the legislative intent in contradiction to the positive law.[35] Recall the Continental view regarding judicial discretion.

**Prosecutors**: It is common to find prosecutors within judicial training programs, and they may even be viewed as a part of the judiciary. Prosecutors typically handle criminal matters, but they may also be permitted to intervene in civil cases with individual litigants to assert and protect the public interest.[36]

---

[32] Thaman, *supra* note 29, p. 18

[33] See Dadomo & Farran, *supra* note 17, pp.198-200; Thaman, *supra* note 29, pp. 18, 24, 25, & 28; and Bradley, *supra* note 8, pp. 224, 227.

[34] Thaman, *supra* note 29, pp. 18 & 54; Bradley, *supra* note 8, p. 251.

[35] Merryman, *supra* note 3, pp. 124-32, but it should be noted that several Eastern European countries are moving away from this standard approach.

[36] Antoinette Perrodet, *The Public Prosecutor*, *in* EUROPEAN CRIMINAL PROCEDURES 450-55 (Mireille Delmas-Marty & J.R. Spencer eds. 2005).

## IV. Trends of Convergence Between Civil Law and Common Law Systems

Common wisdom has it that there is something common about Common Law. The same is true for Civil Law. However, in a dynamic, changing world, the truth is that certain Common Law countries may have more in common with Civil Law countries than they do with their Common Law brethren. This next segment highlights how there is a modern convergence of traditions around certain key issues that is shaping a common legal culture, which in global terms can be viewed as the shared foundations of "rule of law." This convergence can be understood easily through four central themes:

**Decline of Parliamentary Supremacy:** The British and the French long maintained an allegiance to notions of parliamentary supremacy. Post-WWII practice has shown a marked decrease in this as a central concept.

**Rise of Constitutionalism:** Following the abysmal performance of the German legal system under the Third Reich, consensus emerged as to the need for a foundation of basic rights in the form of a constitution. These rights were not to be subordinate to the basic laws and institutions.

**Acceptance of *Judicial Review*:** Constitutional supremacy based on fundamental rights *ipso facto* decreases the power of the legislature and executive and bolsters the judiciary. With post-WWII acceptance of fundamental international human rights, legal systems have been forced to provide remedies that are typically expressed via judicial organs. In many cases, Civil Law countries will still maintain that these organs are not "judicial" per se because they do not have the subordinate, civil servant character of proper judges, but as the Constitutional Courts of Austria and Germany aptly demonstrate, it is now difficult to wholly separate these institutions from the judiciary.

**Harmonization of Commercial Practice:** With the advent of the EU and treaties such as the International Convention on the Sale of Goods (CISG), there is now strong, formal pressure being applied to bring together systems across old Common v. Civil Law barriers.

## V. *Judicial Review*: A Case Study in Convergence Across Traditions

The limited influence of case-law in Civil Law countries is consistent with historical differences in the role of judges. At the time of the French Revolution, judges in France wielded great power—and in many crucial aspects, irresponsibly. Afterwards, Continental legal professionals agreed on the necessity for corrective measures, and these reforms cast Civil Law judges in the role of government civil servants, as opposed to members of a co-equal branch of government. Consequently, it is not surprising that the concept of *judicial review* developed more slowly in Civil Law systems. Even to this day, some Civil Law countries do not have *judicial review* as understood in American legal parlance.[37]

The Continental measures taken to remedy and avoid the judicial abuses of the French Revolution promoted the concept of parliamentary supremacy. In contrast, the American Common Law has historically been more associated with the concept of judges serving as a check on the powers of the other branches of government. This control function does not signify freedom from legislative direction, but rather, it suggests

[37] In France, the *Conseil Constitutionnel* does not have jurisdiction to hear concrete cases. The role of the *Conseil* is to exercise abstract constitutional review of draft legislation.

that the legislative branch, like the other branches, operates within, not above, the larger constitutional framework.

Shortly after the French Revolution, the U.S. Supreme Court formally embraced this understanding in *Marbury v. Madison*,[38] establishing a central, constitutional role for the American judiciary. Asserting the power of the judiciary to review legislative and executive acts for their constitutionality, the U.S. Supreme Court unequivocally declared the judiciary to be a co-equal branch of government.

If all Common Law systems possessed *Marbury* judicial review, the classification of legal systems would be greatly simplified. However, this type of judicial review is not found in all Common Law jurisdictions, and very similar review powers can be found in some Civil Law countries. For example, England, the ancestral home of Common Law does not possess this type of judicial review,[39] and Germany, a pillar of the Civil Law tradition, has a Constitutional Court that exercises a similar form of judicial review.[40]

The German Constitutional Court, or *Bundesverfassungsgericht,* serves as the final arbiter in all constitutional matters. The claims brought before the court can range from alleged violations of individual civil liberties to disputes among government institutions regarding their powers and competencies. Cases typically come to the Constitutional Court through individual petitions and referrals from ordinary courts.

In contrast to the U.S. "diffuse" system of constitutional review, where lower courts commonly decide novel constitutional questions, German ordinary courts refer such constitutional disputes to the Constitutional Court for resolution. This variant of judicial review is commonly referred to as "centralized" judicial review, which contrasts clearly with the American approach. The rationale for centralized review has roots in the Continental reforms that followed the French Revolution. Consistent with the concept of judges as civil servants, the German system does not empower ordinary judges to serve as a check on the powers exercised by the other branches of government, but rather, it reserves this right to the Constitutional Court that is a diverse politically appointed body.

Moreover, while the Constitutional Court is a "judicial" body, German legal practitioners will emphatically insist that it is not a part of the judiciary. Because checking the power of other government institutions is a political act, they maintain these duties must be conducted by a political, as opposed to a strictly judicial, body. Consistent with this approach, the members of the Constitutional Court are political appointees, who are selected for staggered terms by the legislative branch to ensure a diversity of political perspectives.

## VI. Conclusion

This comparative examination of some basic components of Civil Law systems, with contrasts to Common Law counterparts, identifies considerations and concepts that underlie the respective systems. Though this discussion is very elementary, it demonstrates that even an elementary comparative analysis can provide a context for

[38] *Marbury v. Madison*, 5 U.S. (Cranch 1) 137 (1803).

[39] English courts do address constitutional issues, but decisions overturning a parliamentary act ultimately require a confirming act of parliament. This aspect of the English system has posed some interesting challenges to judges required to enforce supranational legal instruments, such as the European Union treaties.

[40] Both the U.S. Supreme Court and the German Constitutional Court frequently find themselves called upon to address complex political disputes. For instance, in the mid-1970s, both the U.S. Supreme Court and the German Constitutional Court were called upon to address the controversial issue of abortion, reviewing the compatibility of contested statutes with constitutional standards.

understanding how and why component parts of a legal system function in a particular manner. This analysis also demonstrates how some of these similar concerns are addressed in different ways in other systems. Thus, a comparative bridge between legal cultures not only provides insights into foreign legal cultures, but also provides a backdrop for reevaluating one's own, albeit Common or Civil in origin.

---

## Compilation of Resources:

*This Consolidated Response draws from many of the following resources, which are useful reference tools for policing practitioners. All listed documents with a hyperlink are uploaded to the INPROL Digital Library.*


"The Adversarial-non Adversarial debate." From: Australian Law Reform Commission, *Discussion Paper 62: Review of the Federal Civil Justice System*. Sidney: 1999.

Ambos, Kai. *International Criminal Procedure: 'Adversarial' 'Inquisitorial' or Mixed?* INTERNATIONAL CRIMINAL LAW REVIEW 3 (1) 2003.

Apple, James and Robert Deyling. *A Primer on the Civil-Law System.* The Federal Judicial Center.

Aucoin, Louis M. "Comparative Legal Systems." Tufts University Syllabus, 2008.

CASSESE, ANTONIO. INTERNATIONAL CRIMINAL LAW. (Oxford: Oxford University Press, 2003)

Fairlie, Megan. *The Marriage of Common and Continental Law at the ICTY and its Progeny, Due Process Deficit,* INTERNATIONAL CRIMINAL LAW REVIEW 4 (3) 2004.

FLETCHER, GEORGE AND STEVE SHEPPARD. AMERICAN LAW IN A GLOBAL CONTEXT. (Oxford: Oxford University Press, 2005)

"Legal Transplants and Legal Culture: Topic Briefs." The World Bank.

MERRYMAN, JOHN HENRY. THE CIVIL LAW TRADITION: AN INTRODUCTION TO THE LEGAL SYSTEMS OF EUROPE AND LATIN AMERICA (Palo Alto: Stanford University Press, 3rd. ed., 2007).

NACHBAR, THOMAS. RULE OF LAW HANDBOOK: A PRACTITIONER'S GUIDE (CLAMO, 2008).

Shapiro, Martin. *"Comparing Legal Systems"* in *"The Success of Judicial Review,"* in KENNY REISINGER, AND REITZ (EDS.) CONSTITUTIONAL DIALOGUES IN COMPARATIVE PERSPECTIVE. (New York: St. Martin's Press, 1999).

Walsh, Barry. "The Classification of Court Systems."


Other resources

JOHN BELL, SOPHIE BYRON, AND SIMON WHITTAKER, PRINCIPLES OF FRENCH LAW (Oxford University Press 1998).

CHRISTIAN DADOMO & SUSAN FARRAN, THE FRENCH LEGAL SYSTEM (Sweet & Maxwell 1996).

Mary C. Daly, *What Every Lawyer Needs to Know About the Civil Law System*, in THE PROFESSIONAL LAWYER (ABA 1998).

PETER DE CRUZ, COMPARATIVE LAW IN A CHANGING WORLD (Cavendish Publishing Ltd. 1995).

NIGEL FOSTER, GERMAN LEGAL SYSTEM & LAWS (Blackstone Press, 2nd ed., 1993).

HERBERT HAUSMANINGER, THE AUSTRIAN LEGAL SYSTEM (Kluwer Law International 1998).

EUROPEAN CRIMINAL PROCEDURES (Mireille Delmas-Marty & J.R. Spencer eds. 2005).

INTRODUCTION TO GERMAN LAW (Werner F. Ebke & Matthew W.Finkin eds.1996)

BRADLEY, CRAIG M. CRIMINAL PROCEDURE: A WORLDWIDE STUDY. (Durham: Carolina Academic Press, 2007)

THAMAN, STEPHEN C. COMPARATIVE CRIMINAL PROCEDURE: A CASEBOOK APPROACH. (Durham: Carolina Academic Press, 2008).

## Information:

*New Queries:* To send a new query, please send an email to inprol@inprol.org.
*Documents:* To submit a document to INPROL, please login to INPROL and visit http://www.inprol.org/uploadcontent or send an email (with the document attached) to inprol@inprol.org.