

The term 'civil law' contrasts with both 'common law' and 'criminal law'. In the first sense of the term, civil law refers to a body of law **1)** written legal codes derived from fundamental normative principles. Legal **2)** are settled by reference to this code, which has been arrived at through **3)** Judges are **4)** the written law and its **5)**

In contrast, common law was originally developed through **6)** , at a time before laws were written down. Common law is based on **7)** created by judicial decisions, which means that past **8)** are taken into consideration when cases are decided. It should be noted that today common law is also **9)** , i.e. in written form.

In the second sense of the term, civil law is distinguished from criminal law, and refers to the body of law dealing with **10)** matters, such as breach of contract.

1.4 Which body of law is the basis of the legal system of your jurisdiction?

2 Reading B: The adversarial and inquisitorial systems

A further difference between the civil-law system and the common-law system lies in the way proceedings are conducted.

2.1 Read the text below comparing the two systems and answer these questions.

- 1** Which system is characteristic of common-law countries?
- 2** How does the way evidence in a trial is gathered and presented differ in the two systems?
- 3** What is the role of the attorney in each system?
- 4** In your opinion, which system is best suited for arriving at the truth?

The inquisitorial system, which is employed in most civil-law jurisdictions, can be defined by comparison with the adversarial system used in the United States and Great Britain. In the adversarial system, two or more opposing parties gather evidence and present it, and their arguments, to a judge or jury. The judge or jury knows nothing of the litigation until the parties present their cases to the decision-maker. Furthermore, in a criminal trial, for example, the defendant is not required to give testimony.

In the inquisitorial system, the presiding judge is not a passive recipient of information. Rather, he or she is primarily responsible for supervising the gathering of the evidence necessary to resolve the case. He or she actively steers the search for evidence and questions the witnesses, including the respondent or defendant. Attorneys play a more passive role, suggesting routes of inquiry for the presiding judge and following the judge's questioning with questioning of their own. Attorney questioning is often brief because the judge tries to ask all relevant questions. The goal of both the adversarial system and the inquisitorial system is to find the truth. But the adversarial system seeks the truth by pitting the parties against each other in the hope that competition will reveal it, whereas the inquisitorial system seeks the truth by questioning those most familiar with the events in dispute. The adversarial system places a premium on the individual rights of the accused, whereas the inquisitorial system places the rights of the accused secondary to the search for truth.

2.2 Underline the verbs in the text above that appear with the nouns below (1-3). Then combine the verbs in the box with the three nouns to make word partnerships. Some of the verbs go with more than one noun.

dismiss	gather	give	hear	present	provide	recant
reject	support	uncover				

- 1** evidence **2** testimony **3** arguments

2.3 Make sentences about the role of the judge in the inquisitorial system and the role of the attorney in the adversarial system using some of the verb-noun collocations from Exercise 2.2.