GENERAL CHARACTERISTICS OF THE ANGLO-AMERICAN LEGAL SYSTEM WITH A SPECIAL FOCUS ON CIVIL PROCEDURE

Assist. Prof. Dr. Dijana Gjorgieva[1], Assist. Prof. Dr. Emilija Gjorgieva[2]

ABSTRACT

The subject of analysis of this paper are the general characteristics of the Anglo-American legal system. It is a topic that is a basic point of comparative studies in civil law, which is still expected to gain scientific popularity.

General characteristics of the Anglo-American legal system analyzed at the macro level are: the non-codification of civil procedural law, a precedent way of decision-making, pronounced casuistry, application of the hearing principle (principle of accusatoriality) and the passive role of the court, pronounced participation of the lay element in the trial, coordinated organization of the judiciary (and its control by the jury), non-judicial interpretation of the law (doctrine ultra vires), non-existence or weak existence of written sources of law, specificities of the legal profession and the appointment of judges and the characteristics of the civil court procedure.

The general characteristics of the Anglo-American legal system give a special stamp to civil law and civil procedure west of the Atlantic.

Keywords: Anglo-American legal system; general characteristics; civil law; civil procedure.

Assist. Prof. Dr. Dijana Gjorgieva

Faculty of Law, International Vision University, Gostivar N.Macedonia

e-mail: dijana.gjorgieva@vizyon.edu.mk

Assist. Prof. Dr. Emilja Gjorgjioska

Faculty of Economics Prilep, University "St. Kliment Ohridski" - Bitola

e-mail: emilija.mateska@vizyon.edu.mk

Declaration of interest: The authors reported no conflict of interest related to this article.

INTRODUCTION

Each state creates its procedural law in accordance with the principle of national procedural autonomy. Although in principle it is so, based on the organizational and procedural differences between the national systems at the macro level, there has long been a division into: 1) European continental (civil law) and 2) Anglo-American (common law) legal system. Although both the European continental and the Anglo-American legal system have the same historical beginning and a very similar ideology (seeking justice by different methods), in England and the USA, due to their isolated position and specific tradition, a special legal system was created.

It is for this reason that the subject of analysis of this paper are the general characteristics of the Anglo-American legal system with special focus on civil procedure. This is a very interesting question in comparative legal studies that is gaining more and more attention given the fact that the differences between the major legal procedural systems are not as pronounced as they used to be.

1. EMERGENCE OF THE ANGLO-AMERICAN LEGAL SYSTEM AND CIVIL PROCEDURE

The content of the Anglo-American legal system does not differ much from the European continental system. It is valid in over 60 countries in the world and is specific to England, USA, Australia, Wales, Canada, New Zealand and India, while in Scotland the civil procedural

law is much closer to the German-Romanian procedural circle (Pejovic, 2001, 819).

What fundamentally distinguishes the Anglo-American legal system from the European continental one is the fact that it is built casuistically, as a "system of actions (lawsuits)", and not as a "system of subjective rights" (Maitland, 1936, 1-10).

The Anglo-American legal system is also known as common law. The similarity of the language and tradition of the states in which Anglo-American law is applied caused the cohesive elements in this civil procedure system to be more strongly expressed vis-à-vis the continental one.

The Anglo-American legal system is not dogmatic and here the judge is the law. Anglo-American law is said to be not very logical, but also to be practical and to be built through court proceedings.

The cradle of the Anglo-American legal system is England, a country in which the first national law in Europe will be created during the XII century (Hyman, 1991, 3-4).

Under the influence of the English procedural law, the procedural law of the USA will be created. English and American procedural law will be fundamental rights on the basis of which the procedural law will develop in other states of the Anglo-American legal system.

In general, one can speak of four periods in the development of judicial law and procedure in the Anglo-American law, namely: 1) Anglo-Saxon period (leges barbarorum) from the end of Roman rule to the conquest of England by the Normans in 1066, 2) period of emergence of common law from 1066 to 1485, 3) period of emergence of equity law and its competition with common law from 1485 to 1832 and 4) new period of balancing common law and equity law from 1832 to the present

day (Angelucci, Meraglia and Voigtländer, 2022, 3442-3445). Each of these stages will give a strong stamp and reflect the characteristics of the Anglo-American legal system.

2. GENERAL CHARACTERISTICS OF THE ANGLO-AMERICAN LEGAL SYSTEM

The general characteristics of the Anglo-American legal system are: 1) the non-codification of civil procedural law, 2) a precedent way of decision-making, 3) pronounced casuistry, 4) application of the hearing principle (principle of accusatoriality) and the passive role of the court, 5) pronounced participation of the lay element in the trial, 6) coordinated organization of the judiciary (and its control by the jury), 7) non-judicial interpretation of the law (doctrine ultra vires), 8) non-existence or weak existence of written sources of law, 9) specificities of the legal profession and the appointment of judges and 10) the characteristics of the civil court procedure.

2.1. THE NON-CODIFICATION OF CIVIL PROCEDURAL LAW

Civil procedural law in the Anglo-American procedural system is not codified because it contradicts its tradition (Tetley, 1999, 593). It is studied through the study of court decisions, their publication and commenting. Court decisions are published in separate collections. The main source of law is case law.

Although Anglo-American law is not codified, there are practical rules for court action. Practical rules are a creation of judicial practice, not a creation of the legislator. Often, the supreme court in the country or

other distinguished judicial body makes practice directions for the civil courts. The main aim of these Rules is to enable the courts to deal with cases justly and at proportionate cost.

The procedure of the High Court, the Court of Appeal and the county courts in England is laid down in the Civil Procedure Rules 1998. Since the coming into force of the Constitutional Reform Act 2005 in April 2006, the power to make practice directions for the civil courts falls to the Lord Chief Justice (with the approval of the Lord Chancellor in most instances).

The Federal Rules of civil procedure govern civil proceedings in district courts in the USA. The rules have been promulgated and amended by the UC Supreme Court pursuant to law, and further amended by Acts of Congress.

2.2. PRECEDENT WAY OF DECISION MAKING

The basic principle on which the Anglo-American legal system is based is the precedent law (system of case law), that is, the principle of judicial creation of law. Court precedent (the typical court decision or case) is a method of civil procedure in making court decisions for similar cases. Precedent law gives the court a procedural opportunity in the new decision to refer to the previous decision, which is res judicata (decisis et non quieta movere), and on the other hand, an opportunity to take a stand and make a decision that pro futuro will have meaning on judicial precedent.

Precedent law is based on the doctrine of stare decisis – pay attention to the verdict, that is, stare decisis et non queta movare – adhere to the decisions that have already been made and do not disturb the

resolved issues (Campbell Black H. 1886, 745). From here, what in the Европеан continental procedural system is achieved by the legal norm, it is achieved here by the obligation of the judge in all similar cases to apply the solution contained in the previous judgment. That means when a court decides, they should bear in mind that this decision may affect not just parties in a particular case, but potentially other people or legal entities who could be in a similar situation in the future.

According to Peacenik, precedents typically preform the following roles: 1) they bind formally; 2) they have normative force, but do not bind formally; 3) they are neither formally binding nor have any normative force but provide "further support" and 4) they serve to illustrate points of law (Peczenik, 1997, 463).

Unlike the European continental law where the law is written in the laws and the judge only has to find and apply the regulation, in Anglo-American law the work is more complicated because there are a large number of precedents that are contained in different private collections.

The precedent has two functions: 1) when making the decision, the court refers to the previous decisions, but also 2) function of the judge to simultaneously take his own position and make a decision that will have the character of a precedent in the future.

The precedent has two properties: certainty and authority. Certainty in common law is achieved not only by the rules of logic but also by the general willingness of the judge to consider the decision as binding. A court decision that does not contain a precedent in this right is an anomaly. A distinction should be made between the rules on which English and USA case law are based because USA case law is much more flexible than English and in that concurrence of opinion between judges

in reaching decisions containing precedent is the exception, not the rule.

2.2.1. PRECEDENT WAY OF DECISION MAKING

The rule of law formulated by a judge in a particular case and binding on other judges in English law is called judicial precedent (Hyman, 1991, 5). The precedent contains a rule for solving future cases with all the reservations that are related to the specificity of the facts related to the specific case. In the explanation of his judgment, the judge refers to the ratio disidendi legal motives from previous judgments that created the judge's conviction to make a certain decision and the obiter dicta comments of judges from previous cases. Obiter dicta have only moral authority while ratio disidendi has a decisive meaning for the judicial conviction to rule in a certain way.

The lower courts are not obliged to respect the judgments of the higher ones, but only the essence of the decision ratio disidendi, while the reasons that do not constitute the precedent are obiter dicta. Because of this, it is really difficult for English judges to determine in a specific case what is ratio disidendi and what is obiter dicta, which leads to a lot of litigation.

All precedents are not equally binding on judges. Binding precedents for all courts in England are those adopted by the House of Lords and the Court of Appeal, while the decisions of the High Court of Justice are binding only on the judges of that court. Some areas of the law in all the jurisdiction remain predominantly matters of common law in the sense of case law. The law of torts is still mainly built out of case law, and so is the general part of the law of contracts.

If there is no precedent to which the court is bound, nor are there

laws or written rules, the subsidiary source for the judge in resolving the dispute is reason (reasonable man). The judge in such cases looks for the most reasonable solution, referring to the principles of morality and fairness that are found in the general customs of the kingdom from time immemorial. When a judge accepts a legal principle as reasonable, it becomes part of the common law system. Because of this, the greatest value of Anglo-American law is its reasonableness.

2.2.2. PRECEDENT LAW IN THE USA

USA precedent law is much more flexible than English and the doctrine of stare decisis in the USA does not have the meaning it has in England (Goodhart, 1930, 179-181).

USA precedent law is not written and is based on the principles of equity, predictability, economy, and deference to the wisdom and experience of past judges.

In the USA, the different procedures in the different jurisdictions are a phenomenon and the case law is much more flexible than in England. USA precedent law includes decisions of the federal Supreme Court, federal courts of appeals, and decisions of state supreme and lower courts. The word "precedent" is used in a variety of ways, but when used most strictly, precedent means binding decisions of higher courts of the same jurisdiction as well as decisions of the same appellate court (Summers, 1997, 364).

Due to the fact of the weaker centralization of the judiciary in the USA, court decisions are not absolutely binding everywhere like in England. Namely, when making decisions, USA judges are often limited only to domestic previous decisions, not to the precedents of other

countries, and they may often take the opposite position from domestic practice. USA precedent law consists mostly of appeals court decisions. The court decision itself is named after the names of the parties. After the title of the decision, there is a note in which the opinion of the lawyers is presented, then follows the opinion or reasoning of the court, and then the decision with which the dispute is resolved. The court's reasoning or opinion can be a maximum of 20 pages long and is usually 5 pages. Before the text of the opinion, the judge must sign. In the opinion, the facts must first be stated, then the procedural history, then the reasons for making the decision, legal regulations, previous court decisions. Due to the fact that the procedure for preparing the opinion is long and complex, the judge can be assisted by lawyers from a certain area. The decision is made by majority vote and is at the end of the opinion. With it, the decision of the lower court can be confirmed, revoked or modified, or contain in it an instruction for the action of the lower court. If some of the judges do not agree with the reasoning of the decision, they can separate their opinion. USA precedent law differs from English in that concurrence of opinions is the exception, not the rule, and often the court does not give any reasons when making decisions. In this regard, a large number of appeals against first-instance judgments are accepted because the first-instance judgments do not contain an explanation (decision – memorandum).

2.3. EXPRESSED CASUISTRY

In Anglo-American law, the protection of civil subjective rights is based on the unity of ius and actio (writ) so that there is no subjective right or legal authority if the right to sue does not spring from that right (Malaspina, 2020,14). If the right to legal protection is directed to a person, there is a lawsuit in personam, if the right to legal protection is

directed to an object, there is a lawsuit in rem, and if the right to legal protection arises from a delict, there is a lawsuit quasi in rem (Alvaro, 2007, 333-334).

2.4. MORE PRONOUNCED APPLICATION OF THE HEARING PRINCIPLE AND THE PASSIVE ROLE OF THE JUDGE IN CIVIL PROCEEDINGS

The trial principle (also known as the accusatory principle) is a fundamental principle of Anglo-American procedure. According to this principle, the court (judge or jury) should determine the truth in the procedure in a competition between the lawyers of the parties who present to the court the entire procedural material. The burden of presenting both factual and evidentiary material in Anglo-American proceedings falls entirely on the parties, ie their lawyers. Hence, the parties, not the judge, have a key role in defining the disputed issues, researching and advancing the dispute, and the judge's role is passive (Hazard, Dondi, 2006: 61). The role of the judge in the Anglo-American procedural system can be equated to that of an arbitrator rather than an inquisitor (Pejovic, 2001, 830).

2.5. EXPRESSED PARTICIPATION OF THE LAY ELEMENT IN THE TRIAL

A specific feature of civil court proceedings in the Anglo-American legal system is the jury (citizens who are not legal experts). The jury as an institution of judicial proceedings has its beginnings in England in the grand assize procedure (Sally, Cheryl, 1999, 8-10). According to

this procedure, at the request of the defendant, the royal official summoned 4 nobles, who chose another 12 who were supposed to be impartial to the parties to settle the dispute. Over time, the jury will have a key role in resolving factual issues, and the court in resolving legal issues. Under the influence of English law, trial by jury would become dominant in the United States. The jury in the United States today is treated as a constitutive part of civil court proceedings and legally at the federal level. A jury trial is guaranteed by the 7th Amendment to the USA Constitution and is treated as a constitutionally inviolable right. In England under the influence of continental civil procedural law the jury will lose its meaning. Today, civil proceedings in England are tried by a single judge, and the jury remains an exclusive institution only in American civil procedure law.

2.6. THE COORDINATED ORGANIZATION OF THE JUDICIARY

In the Anglo-American legal system, integrated court systems are favored with the existence of non-specialized courts (courts of general jurisdiction) that resolve both civil and criminal, constitutional and administrative disputes (Perkins, 1914, 277-278).

Judicial coordination as a feature of the Anglo-American law originated in England. In England for a long period of time there was a dual system of courts: common law courts and the equity court, Court of Chancery. In the Westminster courts (courts of common law) the civil procedure was very formal (the rule applies to it that what does not exist in the procedure does not exist in the law) and divided into two stages, namely the selection of a writ suit where the royal judiciary has a creative

role (the claims that could be sued were predetermined) and the stage for deciding after the lawsuit. In order to be able to initiate a procedure before the Westminster General Courts, the plaintiff had to obtain a writ (approval from the royal office) beforehand. Without such approval, the procedure could not be initiated. Since the royal office is an administrative authority and the approval, permission to conduct a dispute (regardless of the type of dispute) had an administrative-legal character (which is why there is an inseparable connection of private and public law in England). Litigation approval was only allowed for certain types of claims due to the limited number of claims. This caused the closing of the English common law, which is why at first the royal judges began to shape new lawsuits – equity law, due to the limited number of lawsuits the common law closed. But this was insufficient, which is why the possibility was opened if the parties were dissatisfied to turn to the royal office. In this way, Equity law and the Court of Chancery were created, which supplemented the practice of the courts of general law. Disputes before these courts were decided by a single judge and were not decided by a jury. In the XIX century, the two types of courts were united, and for the initiation of the procedure there is a single type of lawsuit, writ of summons, and the jury in civil court proceedings was abolished (it remains in criminal court proceedings). In the period before the unification of the courts that judge according to the general law and the courts that judge according to equity, the need for the coordination of the judiciary arose.

In contrast to England, in the USA the rules for the hierarchical organization of the judiciary in instances apply. With this characteristic, the American procedure approaches the European-continental one. According to the federal system of organization of USA, the court system

is dual, where state and federal matters are handled separately. The federal court system has three main levels: district courts, circuit courts and USA Supreme Court. The Supreme Court is the highest court in the USA. The state court system approximately mirrors the structure of the federal court system, so it is composed of trial courts, state appellate courts and a state Supreme Court. However, the hierarchical organization of courts in the USA dates back to the mid-XIX-th century and was inspired by European legislation.

2.7. THE NON-JUDICIAL INTERPRETATION OF THE LAW (ULTRA VIRES DOCTRINE)

The interpretation of the law in the Anglo-American legal system is specific to England, while in the USA more similar rules of interpretation apply to the countries of the continental procedural system.

In English law, judges do not interpret the law, the laws, but that is the task of parliament (Antonio, Sánchez, 2021, 25-45). The court does not apply the law but the judgment contained in it. After the authorization of the parliament, the delegation of powers can occur, that is, the king or the government can pass a regulation, for example a decree or royal prerogatives (delegated legislation) which the courts will interpret strictu sensu, literally when making decisions. This situation is known before the courts under the ultra vires doctrine. Due to the fact that England does not have a written constitution or laws, the interpretation of the laws is not very important. Even if written laws are passed, they do not have a strong influence on the judges because when the courts apply the law, they interpret it strictu sensu literally (grammatical interpretation strictu sensu), which is why the laws do not have a wide practical meaning.

Unlike in England, where the grammatical interpretation of laws is dominant, in the USA the judge's goal in interpreting is to investigate the legislative will through the method of historical interpretation. The interpretation here should sometimes also be in the spirit of the laws.

2.8. ABSENCE OR WEAK EXISTENCE OF WRITTEN SOURCES OF LAW

The sources of law in the Anglo-American legal system are divided into precedent law and written sources. Judicial customary law elevated to the rank of general value is manifested in the form of precedent law (Judge made law). Judicial precedent as a method of civil judicial procedure (System of Case Law) is typical of common law, although in essence the obligation of precedent also applies to the system of substantive law. The legal position that contains a precedent is a type, a way of behavior with the application of material rules, but also a source of law that shows the enormous importance of the judicial function in Anglo-American law. In continental law, precedent is not a source of law, regardless of how important the decision of the highest court is, and in this system the courts only apply positive law (procedural and substantive laws) and the decision represents a logical syllogism of preamisata major and preamisata minor. When judging in continental systems, Dieu et non droit applies – there is no other source of law above the law, since the legal understandings of the supreme courts are not binding. Although in continental law, judicial practice is not a source of law, its influence grows with the introduction of the institute of extraordinary revision.

In the USA there are also written sources of law that differ from English law. Written sources are hierarchically arranged and are divided into

federal and state acts. It is about: constitution, international agreements, federal written rules, federal administrative acts and administrative rules, state constitutions, state laws, state administrative rules and general orders of states. Under the influence of continental law and in Anglo-American law (much more pronounced in the USA in contrast to England), written laws are beginning to be used, especially for the family, bonds, real law, and the like. In the USA, for example, trade law was already codified in 1988 with the Trade and Competitiveness Act.

2.9. THE LEGAL PROFESSION AND APPOINTMENT OF JUDGES

In England, the requirement to become a lawyer is not to have completed a law school, but to attend any school and to attend a mandatory practice with a lawyer. Lawyers are a special class here. After practicing with a lawyer, he becomes a lawyer according to the principle of co-optation. Judges are chosen from among lawyers, they are appointed by the government, and the king can dismiss them, given the fact that England is a parliamentary monarchy. Judges are appointed for life. Unlike in England, in the USA, lawyers must be educated at universities. The university has law faculties of different ranks. The choice of rank affects the later career of the lawyer. Only a college graduate can enroll in law school in the United States. The legal profession in the USA would, from our point of view, be a kind of postgraduate study. Legal studies in the USA last three years, are specialized and based on judicial practice and are aimed at the future practical action of the lawyer. USA lawyers who want to represent themselves in court take the professional bar exam. Such a lawyer is called a legal practitioner - attorney, attorney-et-law and usually works alone or in a law firm. The methods of selecting judges in

the USA generally vary from state to state. However, four methods of selecting judges are differentiated, namely: 1) political elections where political parties propose, 2) non-political election of judges without the help of political parties, 3) appointment of judges with the participation of a commission that evaluates the best 3 to 5 candidates are proposed to the governor who makes the final selection of the judge and 4) appointment of the judge directly by the governor or legislative body without the participation of a commission.

2.10. THE LEGAL PROFESSION AND APPOINTMENT OF JUDGES

The general characteristics of the Anglo-American legal system influence the structure of civil procedure. It is precisely because of this that the civil procedure has characteristics that show its uniqueness.

Basic characteristics of civil procedure in the Anglo-American legal system are the following: 1) the trial before the jury, 2) the difference between the pre-trial process and the trial, 3) the creation of the main hearing and the trial as a drama, 4) the selection of the experts from the parties, 5) the cross-examination, 6) the principle of accusatoriality, 7) the passive role of the judge in the proceedings, 8) class actions, 9) the mandatory representation of the parties in the proceedings, 10) the existence of law of evidence as an independent discipline, 11) the selection of experts from the parties, 12) the principle is more mildly expressed for the content concentration of the litigation procedure, 13) the limits of the validity of the decision extend to both the reasoning and the dispositive, 14) separate opinions are allowed in the decision-making, 15) the jurisdiction of the courts is determined according to the principle of

forum non conveniens, 16) civil proceedings are distinctly formal, 17) lawyers have a central role in trials.

CONCLUSION

Based on the organizational and procedural differences between the national systems at the macro level, there has long been a division into: 1) European continental (civil law) and 2) Anglo-American (common law) legal procedural system.

The Anglo-American legal system is applied in over 60 countries in the world and is specific to England, USA, Australia, Wales, Canada, New Zealand and India, while in Scotland civil procedural law is much closer to the German-Romanian procedural circle.

What fundamentally distinguishes the Anglo-American legal system from the continental one is the fact that it is built casuistically, as a system of lawsuits, and not as a system of civil subjective rights. It is precisely because of this that the Anglo-American legal procedural system exhibits characteristics that are foreign to the continental legal procedural system.

General characteristics of the Anglo-American legal system are: the non-codification of civil procedural law, the precedent way of decision-making, the pronounced casuistry, the application of the trial principle (principle of accusatoriality) and the passive role of the court, the expressed participation of the lay element in the trial, the coordinated organization of the judiciary (and its control by the jury), the non-judicial interpretation of the law (doctrine ultra vires), non-existence or weak existence of written sources of the law, the specificities of the legal profession and the appointment of judges. All these characteristics influence the structure of civil procedure in Anglo-American law.

REFERENCES

1. Alvaro **Pérez Ragone**, Writ y Actio en el Surgimiento y la Configuración del Proceso Civil Inglés. Revista de Estudios Histórico-Jurídicos XXIX, Pontificia Universidad Católica de Valparaíso, 2007, pp. 333 – 356

2. Angelucci Charles, Meraglia, Simone., Voigtländer Nico, How Merchant Towns Shaped Parliaments: From the Norman Conquest of England to the Great Reform Act, American Economic Review, Vol. 112, No. 10, 2022, pp. 3441:3487

3. Antonio Marco, Sánchez Jimenez, The Ultra Vires Doctrine in Common Law. SpringerBriefs in Law, 2021, pp. 25-45

4. Bankowski Zenon., Mac Cornick Neil, Marshall Geoffrey, Precedent in the United Kingdom. Interpreting Precedents: A Comparative Study, eds. D.N. MacCormick, R.S. Summers Dartmouth: Dartmouth Publishing Company Limited, 1997, pp.315-354

5. Campbell, Black H, The Principle of Stare Decisis. American Law Register (1852-1891), Volume 25, 1886, pp. 745-757

6. Civil Procedural Rules (1998) [electronic version]. Retrieved 29 March 2023 from https://www.justice.gov.uk/courts/procedure-rules/civil/rules

7. Federal Rules of Civil Procedure. (2022). Washington: Committee on the Judiciary House of representatives.

8. Goodhart, Arthur L, Case Law in England and America. Cornell Law Review, Vol. 15, 1930

9. Hazard G, Dondi, A, Responsibilities of Judges and Advocates in Civil and Common Law: Some Lingering Misconceptions Concerning

Civil Lawsuits. University of Pennsylvania, 2006

10. Hyman Jacob D, Brief Introduction to the Anglo-American Legal System. Law Special Collection 02, University at Buffalo, 1991

11. Maitland F. W, The History of the Register of Original Writs. Harvard Law Review, Volume 3, 1889

12. Maitland, W. The Forms of Action at Common Law: A Course of Lectures. Cambridge University Press, 1936

13. Malaspina, Elisabetta Fiocchi, Introduction to the History of Common Law. Faculty of Law of the University of Zurich, 2020

14. Peczenik Aleksander, The binding force of precedents. Interpreting Precedents: A Comparative Study. eds. D.N. MacCormick Dartmouth Publishing Company Limited, 1997, pp.461-480

15. Pejovic Caslav, Civil Law and Common Law: Two Different Paths Leading to the Same Goal. Poredbeno Pomorsko Pravo 40(155), 2001

16. Perkins Willis B, The English Judicature Act of 1873. Michigan Law Review Vol. 12, No. 4, 1914, pp. 277-292

17. Sally, Lloyd Bostock, Cheryl Thomas, Juries and Jury Reform in England and Wales. Socio-Legal Studies, Faculty of Law in University of Birmingham, 1999

18. Summers Robert S, Precedent in the United States (New York State). Interpreting Precedents: A Comparative Study. eds. D.N. MacCormick, Dartmouth: Dartmouth Publishing Company Limited, 1997, pp.355-406

19. Tetley William, Mixed jurisdictions: common law vs civil law (codified and uncodified). Uniform Law Review, Volume 4, Issue 3, 1999, pp. 591–618