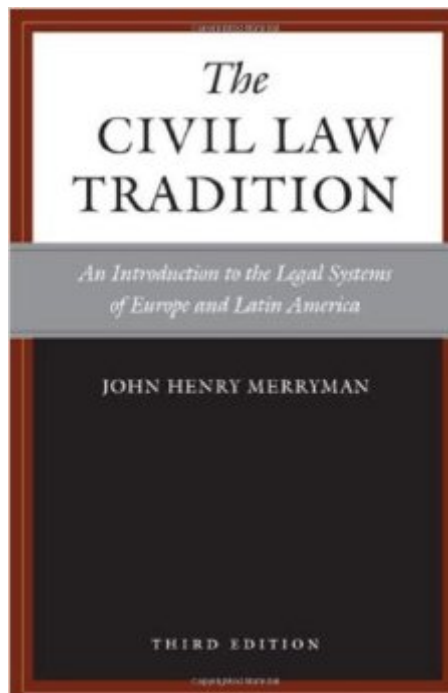


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The Civil Law Tradition, 3rd Edition: An Introduction To The Legal Systems Of Europe And Latin America



Synopsis

Designed for the general reader and students of law, this is a concise history and analysis of the civil law tradition, which is dominant in most of Europe, all of Latin America, and many parts of Asia, Africa, and the Middle East. This new edition deals with recent significant events¹⁵¹; such as the fall of the Soviet empire and the resulting precipitous decline of the socialist legal tradition¹⁵¹; and their significance for the civil law tradition. The book also incorporates the findings of recent important literature on the legal cultures of civil law countries.

Book Information

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Customer Reviews

This book presents a very nice overview of the Civil Law Tradition for Common Law students and lawyers. I found it very useful at providing a foundation for understanding my course covering Civil Law in its various forms throughout the world. The material is "general" rather than "specific," meaning the broad areas of criminal procedure, civil procedure, educational models, etc. are presented in a series of roughly 10-12 page chapters in this small paperback. The material appears to be based largely on previously published material. Often the material appeared to be from articles that appear in expanded form in Merryman's much larger and more comprehensive book -- The Civil Law Tradition: Europe, Latin America, and East Asia (Contemporary Legal Education Series)

A brilliant book. I was trained in common law but have studied and worked in a civil law country. After reading this book I realise so much of what I thought were idiosyncrasies with that legal system are in fact simply manifestations of the civil law tradition. This book has given me the

necessary background and framework through which to view this and other legal systems. It would, however, be great for all common lawyers to understand this basic overview of the civil law tradition so as to better understand our own system and its strengths and weaknesses.

This work, now in its third edition, is a useful primer for those who would like to understand the basics of the civil law tradition. Civil law systems are unfamiliar to most people who live and study in common law countries like the UK and US, but they're the predominant type of legal system in much of the world, so it's worth learning about them. Merryman's classic work gives a concise history of the development of civil law, which helps to explain some of its foundational principles and forms. He also explains how systems in this tradition generally operate today. An excellent and highly readable book.

This book was my academic introduction to the civil law tradition, having purchased it on eBay after reading a handful of reviews. If there is anyone who is a layman with respect to law at the point at which this review was written, 'tis me. This book has served as an excellent primer for my autodidactical path of learning in comparative legal history, and a good framework upon which to build a continuing course of study. With a North American audience in mind, and with a subtextual prejudice favoring the common law tradition, Merryman provides a well-written and well-organized historical and fundamental summary of the civil law tradition as found in Europe and Latin America. In an easy to read and engaging manner, the author presents civil law from its origins in the "jus commune" of Justinian to its present manifestations in the codified national legal systems found in Latin America and Europe. Merryman moves between subjects such as comparative legal history and civil procedure with ease, and paints a general picture of the tradition of civil law so that the lay reader can more clearly understand the origin, meanings, and historical significance of such complex systems as the Napoleonic Codes. In short, the author presents his subject with unparalleled ease and clarity for what is ostensibly a textbook. This was an enjoyable read and an excellent choice for a neophyte in the subject of law - civil, common, or otherwise.

This is an excellent, though fairly short, introduction to the "civil law tradition," most of which was started by the Code Napoleon post-Revolution in France. It compares that tradition (heavy on the legislative function, light on the judicial function) with the common law tradition (Britain, US, Canada, Australia, etc.), which is heavier on the judicial function (esp. in the US, given the pre-eminence of the Constitution). It seems to be aimed at lawyers but it does not exclude others. Certain points (e.g.,

stare decisis) could certainly "stand" a fuller explanation (very important to the common law tradition, esp. in the US and Canada), but overall this is an excellent book.

I read this book long ago, in its first edition, and it has been a constant reading in all these years -- I have frequently recommended to others and used it in my own teaching. The 2d edition is definitely the best one. It is a pity that the third edition destroyed some valuable parts of the 2d ed. (for instance, those in which the author (Merryman) wrote interesting reflections on the socialist legal tradition). The "co-author" Perez Perdomo is not indeed a true coauthor. The book is basically written by Merryman (Professor at Stanford Law School) and all Perez Perdomo did was to erase some valuable passages of the book (in a silly and failed attempt to "update" its content) and put his name on the cover. I wish Stanford University Press would go back to the 2d edition or look for a person who could really do a serious update of the book.

For someone like me, who lives inside the civil law tradition, and sometimes has the feeling that there is something wrong with the way cases are solved, this book is a truly eye opener, because Professor Merryman shows you there is another way of doing things. And pretty soon you start comparing the two solutions. Having read this book I was given an "helicopter view" of the Law. And leaving the civil law tradition, even if only in a mind journey to other traditions, gives you a much better insight into the whole stuff. Also, great historical background of the current law traditions. Don't miss this book.

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