

# **Influences of Roman Law and Civil Law on the Common Law**

*Diana Nestorovska\**

## **Abstract**

Dieser Artikel handelt vom Einfluss des römischen und kontinentaleuropäischen Rechts auf das Common Law. Nach einer Einführung in die Terminologie folgt eine Untersuchung über die Einflüsse des römischen und kontinentaleuropäischen Rechts während der historischen Entwicklung des Common Law. Es wird die Frage aufgeworfen, ob diese Einflüsse zu einer Wiederannäherung der beiden Rechtssysteme führen können und, ob die beiden Systeme sich harmonisieren und schließlich zu einem Rechtssystem verschmelzen könnten.

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'Despite the oftentimes fierce, and sometimes even irrational resistance of Common Law practitioners in the past to what they perceived as encroachments of aspects of Roman Law or the Civil Law into their legal system, the English legal system has in fact been influenced in many ways by Roman Law and by the Civil Law. In what ways has the Common Law been so influenced, and what impact has this had on its development and functioning as a legal system? Does the fact that the Common Law has at various times and in various ways adopted elements of Roman Law and the Civil Law into its system demonstrate that the Common Law is capable of mutating into a legal system which can be harmonised with, and eventually merge, with the Civil Law at some point in the future, or are there essential attributes of the Common Law which would prevent such a process from occurring?'