

NAME : MELEK FADY NASSER

GROUP: 19LS3A

TOPIC: COMMON LAW

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# Content

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1/common law in England (history , structure , sources)

2/law of the united state (history , structure , sources)

## History of English law

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The English common law originated in the early Middle Ages in the King's Court (Curia Regis), a single royal court set up for most of the country at Westminster, near London. ... The common law of England was largely created in the period after the Norman Conquest of 1066.

# COMMON LAW

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- This is also known as 'case law'. Common law is made by judges, and is so named because it is common to every person in every region of Britain.
- It is law formed on the basis of precedents set in previous cases – i.e. judgements made by one court of law must be followed by other courts in the future if they face a similar case.
- Such a law is not the product of the legislative process, but a reflection of the accumulated wisdom of the past which binds judged into acceptance of these legal precedents.
- Most of the original laws concerning civil rights began in this way, such as freedom of speech and freedom of movement.

## Structure of English law

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Within the English common law system, judges have more authority to interpret law but are bound by precedent. ... The ratio sets a binding precedent for the lower courts. There is flexibility built into the system by the ability to overrule (usually by a higher court) and to distinguish one case from another.

## Sources of English law

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Legislation (primary and secondary)

The case law rules of common law and equity, derived from precedent decisions.

Parliamentary conventions.

General customs.

Books of authority.

## History of US law

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Background. At both the federal and state levels, the law of the United States was mainly derived from the common law system of English law, which was in force at the time of the Revolutionary War. However, U.S. law has diverged greatly from its English ancestor both in terms of substance and procedure.

## Structure of US law

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The American system is a “common law” system, which relies heavily on court precedent in formal adjudications. ... Civil law systems rely less on court precedent and more on codes, which explicitly provide rules of decision for many specific disputes.



## Sources of US law

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In the United States, the law is derived from five sources: constitutional law, statutory law, treaties, administrative regulations, and the common law (which includes case law).

## 4 Sources of Laws in the US

### **1. US Constitution**

- Supreme law of the land

### **2. Statutory Law**

- Laws made by lawmakers

### **3. Regulatory Law**

- Laws made by govt. agencies

### **4. Case Law**

- Precedents from other judges