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CLASSIFICATION OF LEGAL SYSTEMS IN COMPARATIVE LAW

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ABSTRACT

Legal-family classification is a practical device in comparative law, but it can become misleading when a label is treated as a complete description of a country. A system may inherit one tradition in its courts, rely on legislation in several fields, and recognise additional norms through its constitution or community practices. This paper examines classification as a method rather than as a fixed taxonomy. It outlines the principal traditions commonly discussed in comparative-law literature and considers what their use can—and cannot—explain.

The discussion then examines India and South Africa. India's courts and doctrine of precedent reflect a substantial common-law inheritance, while its written Constitution, extensive legislation, personal-law arrangements, and context-specific customary practices complicate any single-family description. South Africa's private law is strongly shaped by Roman-Dutch law, alongside English influence, African customary law, and a constitutional order that gives the Constitution priority over inconsistent law.

The study uses a qualitative, doctrinal and comparative method. It examines selected scholarship and constitutional provisions; it does not use interviews, surveys, or statistical data. The central proposition is that legal families are useful as starting points, provided the researcher states the criterion being used and then tests it against the law of the jurisdiction. A layered description—historical, institutional, source-based, constitutional, and social—offers a more transparent account than an exclusive label.

1. INTRODUCTION

Comparative law is concerned not merely with what rules different countries have, but also with how those rules are made, interpreted, and used. A comparison of two provisions may be incomplete if the provisions operate within different court structures or different understandings of legal authority. Classification helps manage this complexity by identifying recurring features across jurisdictions. It gives a researcher an initial map, not a substitute for examining the territory.

The familiar distinction between common law and civil law is often presented through precedent and codification. That contrast captures part of their histories, but it should not be converted into a rigid opposition. Common-law jurisdictions legislate extensively, and civil-law courts interpret codes, develop doctrine, and resolve questions that legislation does not answer expressly. The relevant differences concern the history and institutional weight of these sources, not the presence of one source and absence of another.

Other categories—religious, customary, socialist, and mixed legal traditions—draw attention to dimensions that the two-family model may overlook. They are not mutually exclusive boxes. A single jurisdiction may combine constitutional rules, statutes, judicial decisions, religiously informed personal law, and customary norms. The legal effect of each depends on the jurisdiction's own rules of recognition and conflict resolution.

This paper therefore asks what classification can explain and where it reaches its limits. It first sets out the research problem, questions, method, and literature; it then discusses the principal traditions before turning to India and South Africa. The country studies are illustrative rather than exhaustive. Their purpose is to show how a legal order may have more than one meaningful lineage, and why the question being asked should determine the classification used.

2. STATEMENT OF THE PROBLEM

The problem addressed here is methodological. Legal-family classifications make a large subject easier to organise, but they can also flatten differences that matter to legal analysis. If a jurisdiction is labelled “common law,” a reader may assume that precedent is the defining feature across every field. If it is called “civil law,” the reader may overemphasise codes and overlook the role of constitutional adjudication or judicial interpretation. Such assumptions risk turning a useful shorthand into an inaccurate conclusion.

The difficulty becomes more visible in legal orders shaped by successive political and

social changes. A state may retain court structures inherited from colonial rule while adopting a new constitution, enacting extensive legislation, and recognising community-based norms. These sources do not necessarily operate at the same level. Some are formally superior; others apply only in defined fields or subject to statutory and constitutional limits. Classification by origin alone cannot explain those relationships.

India illustrates the issue because its legal institutions have a common-law history, while its present framework is organised by a written Constitution and a broad body of legislation. Personal laws and customary practices add further complexity, although their legal status and scope must be established in each context. South Africa presents a different combination: Roman-Dutch private law, English influence, customary law, and constitutional supremacy all form part of its legal landscape.

The research problem is not whether these countries can be assigned a label. They can be described in several ways, depending on the criterion. The more precise question is whether a single label adequately explains the sources, institutions, and constitutional relationships relevant to a particular legal issue. This paper addresses that question through doctrinal comparison and does not claim to measure the effectiveness of either country's legal system.

3. RESEARCH QUESTIONS, OBJECTIVES AND METHODOLOGY

The paper is guided by four questions: (1) What functions do legal-family classifications perform in comparative law? (2) Which historical and institutional features are commonly associated with the major legal traditions? (3) What do India and South Africa reveal about the limits of assigning a national legal order to one family? (4) How can a layered method make comparative analysis more precise?

The objectives are correspondingly limited. The paper explains the organising value of legal families; identifies the criteria commonly used to distinguish traditions; examines the interaction of legal sources in two selected jurisdictions; and proposes a practical framework for describing overlap without abandoning classification altogether.

India and South Africa are used as examples, not as proxies for every mixed or plural legal order. Their histories differ, and the presence of multiple traditions does not make them equivalent. India is examined principally through its constitutional structure, precedent, legislation, and plural sources in selected areas. South Africa is considered through its Roman-Dutch private-law inheritance, English influence, customary law, and constitutional framework.

The questions are descriptive and analytical. The study does not rank legal systems, assess which tradition is superior, or make empirical claims about how frequently rules are applied. It instead asks whether the chosen categories illuminate the legal materials under review. This distinction matters: a classification can be useful for one research question and unhelpful for another. The objectives therefore focus on clarifying the relationship between the criterion selected and the conclusion drawn.

This study adopts a qualitative, doctrinal and comparative methodology. The doctrinal component examines selected legal concepts, constitutional provisions, and academic writing on legal traditions. The comparative component places those materials alongside one another to identify both shared features and jurisdiction-specific differences. The method is appropriate to a conceptual question about classification, but it does not establish how law is experienced by every community or litigant.

The secondary literature considered includes works by René David and John E. C. Brierley, Konrad Zweigert and Hein Kötz, John Henry Merryman and Rogelio Pérez-Perdomo, and H. Patrick Glenn. These writers approach legal traditions from different perspectives, including legal families, legal method, civil-law institutions, and the continuity and interaction of traditions. Their approaches are treated as scholarly frameworks rather than as interchangeable definitions.

For the country examples, the study refers to the Constitution of India, including Article 141 on the binding force of the law declared by the Supreme Court, and the Constitution of the Republic of South Africa, particularly sections 2 and 211. These provisions are used to illustrate constitutional hierarchy and the legal position of customary law. They are not a substitute for a complete survey of case law or legislation in either jurisdiction.

No interviews, questionnaires, field observations, or original statistical dataset were used. The analysis is therefore doctrinal and illustrative. It does not make claims about the frequency of particular practices, the accessibility of courts, or the outcomes of disputes. The source base is selective, and any conclusion should be read within that limit. A broader study of law in action would require additional empirical material and closer attention to regional and community variation.

4. HYPOTHESIS AND SCOPE

The working hypothesis is that legal-family classifications remain useful as broad guides, but they are insufficient when used as exclusive descriptions of contemporary national legal systems. A more complete account should consider the source of a rule, the

institution applying it, the jurisdiction's constitutional structure, the historical path through which the rule developed, and the social setting in which it operates.

This hypothesis does not reject classification. A label may identify a real connection: for example, the importance of precedent in India or the Roman-Dutch foundation of South African private law. The limitation arises when that connection is treated as explaining every field or every institution. The same country may resemble one family in procedure and another in the historical source of private-law doctrine.

The scope is confined to the major categories commonly used in comparative-law teaching—common law, civil law, religious law, customary law, socialist traditions, and mixed or hybrid systems—and to selected aspects of India and South Africa. The paper does not attempt a complete history of each tradition, a survey of every jurisdiction, or a detailed treatment of every branch of law in the two country examples.

The hypothesis is assessed through reasoned comparison rather than a numerical test. The analysis asks whether a single label accounts for the selected legal materials without leaving out significant sources or institutional arrangements. The result is necessarily provisional because legal systems change through legislation, adjudication, constitutional amendment, and social practice.

5. REVIEW OF LITERATURE

The literature on legal families provides several ways of organising comparative inquiry. René David and John E. C. Brierley's work offers a structured account of major legal families and the criteria used to distinguish them. Such classifications help a reader locate a jurisdiction within a broad historical and institutional landscape. Their usefulness, however, depends on whether the chosen criteria remain relevant to the particular legal question.

Zweigert and Kötz are associated with a method-oriented approach to comparison. Their work directs attention to the way legal systems respond to problems and to the context in which legal rules function. This is important because identical wording may have different effects when courts, procedure, or legal concepts differ. A comparison based only on the text of a statute may therefore miss the method through which the rule is applied.

Merryman and Pérez-Perdomo's study of the civil-law tradition explains that civil law involves more than the existence of codes. Its historical development, professional structures, and conceptions of legislation and adjudication also matter. Glenn's writing

on legal traditions, in turn, draws attention to persistence, movement, and interaction. Traditions may continue while adapting to new political and institutional settings.

Research on mixed jurisdictions adds a further dimension. It draws attention to the fact that more than one legal tradition may operate within a single jurisdiction, and that their influence can differ by field. For that reason, the term “mixed” is most useful when the relevant traditions and their legal roles are identified rather than left unexplained.

The present paper draws these strands together. It treats classification as an initial organising choice and then tests the label against constitutional and institutional materials. The contribution is modest: to demonstrate, through two examples, why the criterion of classification should be stated openly and why the conclusions should remain sensitive to field and context.

6. CONCEPT AND PURPOSE OF CLASSIFICATION

Classification groups legal systems by selected similarities. The criteria may include historical origin, recognised sources of law, judicial method, legal education, institutional design, or the relationship between law and religion or political ideology. Because the criteria differ, two scholars may classify the same jurisdiction differently without necessarily disagreeing about the underlying legal materials. Their disagreement may concern what feature should carry the most weight.

One function of classification is orientation. A student beginning a comparative study needs a manageable way to identify jurisdictions with potentially relevant histories or institutions. Another function is hypothesis formation: a shared legal inheritance may suggest questions about precedent, codification, legal education, or court organisation. The classification does not answer those questions; it helps formulate them.

Classification can also reveal the limits of a comparison. If two jurisdictions are grouped together because both use codes, the researcher should ask whether their courts interpret those codes in similar ways and whether the codes occupy comparable constitutional positions. Likewise, a common-law label may be relevant to the authority of precedent but less useful when the inquiry concerns the role of customary law.

The central methodological risk is reification: treating an analytical category as though it were a natural and permanent feature of the country itself. Legal systems change, and a category may describe one period or field better than another. A careful researcher should therefore state the criterion, identify the material to which it applies, and acknowledge features that the category leaves outside the analysis.

For this paper, classification is most useful when treated as a provisional map. It can organise the inquiry, but the final account must return to the legal sources and institutions of the jurisdiction under study.

7. COMMON-LAW LEGAL SYSTEM

The common-law tradition developed through English royal courts and the gradual formation of rules through adjudication. The doctrine of precedent became an important method for maintaining continuity: a court may be required to follow the legal principle established by a higher court in a materially similar case. The doctrine's precise operation depends on the jurisdiction's court hierarchy and rules concerning binding and persuasive authority.

Precedent is significant, but it is not the only source of law in common-law jurisdictions. Legislatures enact statutes across public and private law, and courts interpret those enactments. A statute may displace an earlier common-law rule, while judicial decisions clarify the meaning of statutory language and apply it to new factual situations. The relationship between legislation and case law is therefore interactive rather than mutually exclusive.

Common-law jurisdictions also differ in their constitutional arrangements. Some operate under a single written constitutional instrument and allow courts to invalidate legislation inconsistent with it; others have different models of constitutional review. Procedure, legal education, and the organisation of the legal profession likewise vary. Shared historical origins do not establish that present institutions are identical.

The label is most informative when the inquiry concerns the historical role of English institutions, precedent, or particular procedural methods. It is less informative if used to imply that all sources of law in a jurisdiction derive from judge-made rules. India demonstrates this distinction: precedent is constitutionally important, but the written Constitution and extensive legislation also structure the legal order.

Accordingly, the common-law category should be tied to a defined feature. It may describe an important lineage or method, but it should not be allowed to obscure statutory, constitutional, or plural sources that have independent legal significance.

8. CIVIL-LAW LEGAL SYSTEM

The civil-law tradition is historically connected with Roman law, continental European scholarship, and codification. Codes organise broad areas of law through systematic

provisions and are intended to make the law more coherent and accessible. The codification project is a major historical feature, but a code does not apply itself: courts must interpret its language, reconcile provisions, and decide questions that the text does not resolve expressly.

Civil-law systems are not uniform. The French and German traditions have developed distinct concepts and institutional patterns, and other jurisdictions have adapted these models to local conditions. The role of legal scholarship, the structure of courts, and the relationship between legislation and adjudication can vary. It is therefore inaccurate to infer a complete legal method merely from the presence of a civil code.

The contrast with common law is best framed as one of historical emphasis and institutional development. Common-law reasoning is strongly associated with precedent, while civil-law systems place a central formal emphasis on legislation and codes. Yet both traditions use statutes and judicial interpretation. Decisions in civil-law jurisdictions may influence later reasoning even where they do not have the same formal precedential status as decisions in common-law systems.

For comparative research, the question should be specific. If the inquiry concerns the structure of private-law rules, codification may be central. If it concerns how courts resolve ambiguity, the researcher must examine judicial practice and legal method. A jurisdiction may use a code without fitting every characteristic of a textbook civil-law model, just as a common-law jurisdiction may rely heavily on comprehensive statutes.

The civil-law label remains useful when its historical and institutional meaning is explained. It becomes misleading when code-based legislation is treated as proof that judicial reasoning or local legal development is unimportant.

9. RELIGIOUS LEGAL SYSTEMS

Religious legal traditions draw authority, norms, or interpretive principles from religious sources. Their relationship with state law differs across jurisdictions. In some places, religious rules are recognised in defined fields such as marriage, divorce, or inheritance. Elsewhere, religious authority may have a broader role in legislation or constitutional arrangements. The category therefore refers to varied institutional forms, not a single model.

A religious norm may be administered by a state court, a recognised religious tribunal, a community institution, or no formal legal body at all. Its status must be determined from the relevant constitutional and statutory framework. The existence of a religious practice

does not, by itself, establish that the practice is enforceable as state law. Conversely, a state may give legal effect to particular religious rules while retaining a secular constitutional structure in other areas.

Questions arise where religious norms interact with equality guarantees, individual rights, jurisdictional rules, and general legislation. The analysis must identify the legal authority of the norm and the institution empowered to apply it. It should also account for interpretive diversity within religious traditions: communities and schools may disagree about meaning, and legal rules may change over time.

India provides an example of a plural arrangement in which personal laws have a role in aspects of family relations. That fact should not be converted into the claim that the entire Indian legal system is religious. The scope and effect of a particular rule depend on legislation, constitutional principles, and judicial interpretation. The same caution applies to other jurisdictions that recognise religious norms in selected fields.

The category is valuable because it highlights sources that may be overlooked by a common-law/civil-law comparison. Its use should nevertheless be precise about the jurisdiction, legal field, and form of state recognition involved.

10. CUSTOMARY LAW AND LEGAL PLURALISM

Customary law consists of community-based norms that acquire legal significance within a particular social and institutional setting. The subject matter may include land, family relations, succession, leadership, or dispute resolution. A custom should not be assumed to be uniform merely because it is associated with a community: practices may differ by region, generation, or local circumstances, and community members may contest their content.

Legal pluralism describes the coexistence of more than one normative order in the same society or territory. State law may operate alongside customary or religious norms, and the relationship may involve recognition, regulation, adaptation, or conflict. Pluralism is not necessarily a neat division of subjects. The same dispute may raise questions about community practice, statutory rules, and constitutional rights.

For legal analysis, the important questions are institutional and normative. Which body recognises the custom? What evidence is required to establish it? Is the practice subject to statutory regulation or constitutional limits? How should a court respond when a claimed custom conflicts with a fundamental right? These questions help distinguish a social practice from a norm that a legal institution will apply.

The Indian and South African examples show different constitutional settings for customary norms. In India, the status of a particular practice depends on the applicable constitutional, statutory, and judicial framework; it should not be treated as a single nationwide body of customary law. In South Africa, section 211 of the Constitution expressly addresses customary law and requires courts to apply it when applicable, subject to the Constitution and legislation dealing with customary law. This section also clarifies a limit of classification: recognising pluralism does not mean that every norm has equal authority. The task is to explain how legal sources are recognised and how conflicts are resolved in the jurisdiction being studied.

11. SOCIALIST LEGAL TRADITIONS

The expression “socialist legal tradition” is generally used for legal systems shaped by socialist political and economic thought, particularly those influenced by Marxist-Leninist theory. Historically, legal institutions in such systems were often discussed in connection with state planning, collective ownership, the organisation of public authority, and the political programme of the governing party.

Legislation and state institutions played prominent roles in many systems described as socialist, but their arrangements differed across countries and periods. The position of courts, the scope of administrative authority, and the relationship between law and political institutions were not identical everywhere. It is therefore necessary to identify the jurisdiction and historical period rather than rely on the label alone.

The category is also affected by legal and economic change. Some jurisdictions associated with socialist law have introduced market-oriented reforms, revised constitutional arrangements, or adopted institutions from other legal traditions. These developments may alter the significance of earlier classifications. A description that was accurate for a particular period may not capture the current structure of the same jurisdiction.

Socialist legal traditions are relevant to comparative classification because they show that legal families may be organised around political and economic assumptions, not only technical methods such as precedent or codification. They also demonstrate that classification is time-sensitive. A legal order’s present sources and institutions must be examined directly, even where its historical identity remains important.

The term is most useful when it is used with a stated time frame and defined criteria. Without those limits, it risks combining different legal trajectories under one broad

heading.

12. MIXED AND HYBRID LEGAL SYSTEMS

A mixed or hybrid legal system contains significant features associated with more than one legal tradition. Mixture may result from colonisation, migration, legal transplantation, political transition, constitutional reform, or deliberate borrowing. The label is descriptive, but it does not explain the precise relationship among the traditions involved.

The components of a mixed system may remain distinct in particular fields, or they may have been integrated into a new institutional arrangement. For example, a jurisdiction may draw private-law concepts from one tradition while using court procedures or constitutional institutions shaped by another. A court may apply legislation and rely on precedent in interpreting it; customary law may be recognised within a constitutional framework. These interactions are more informative than a bare statement that the system is “mixed.”

The term also raises a question of scale. A whole country may be described as mixed, but the mixture may be especially visible in only certain branches of law. A researcher should identify which traditions are present, the legal fields in which they operate, and the institutions that determine their authority. Without this detail, the label may become too broad to guide analysis.

India and South Africa illustrate different patterns. India’s common-law institutional inheritance operates alongside a written Constitution, extensive legislation, and legally recognised personal-law and customary arrangements. South Africa’s legal history includes Roman-Dutch private law, English influence, customary law, and a constitutional order that governs the validity and interpretation of law.

Mixed-system classification is useful because it challenges an exclusive common-law/civil-law division. Its explanatory value, however, depends on showing how the sources interact and which legal rules prevail when they conflict.

13. COMPARATIVE ANALYSIS: INDIA

India’s legal system is often placed within the common-law family because British rule influenced its court institutions and legal administration, and because precedent remains an important part of adjudication. Article 141 of the Constitution gives this feature a specific constitutional foundation: the law declared by the Supreme Court is binding on

all courts within India. This provision makes precedent an identifiable part of the country's legal structure.

That feature does not settle the classification question. India is governed by a written Constitution that establishes the framework of public authority and limits legislative and executive action. Parliament and state legislatures enact statutes across criminal, procedural, evidentiary, commercial, and other fields. Courts interpret both legislation and constitutional provisions. A description based only on common-law inheritance would therefore omit important sources and the hierarchy among them.

Plural sources add another layer. Personal laws govern aspects of family relations, while customary practices may be relevant in particular communities or regions. Their legal effect cannot be assumed in the abstract; it depends on the applicable legislation, constitutional principles, and judicial treatment. Nor should the existence of these sources be taken to mean that every community practice is automatically enforceable as law.

India is therefore better described through a set of connected dimensions. Its history helps explain the institutional role of courts and precedent. Its Constitution explains the legal hierarchy. Codification demonstrates the reach of legislation, while personal-law and customary arrangements raise questions of pluralism. These features do not cancel one another; they answer different questions about the same legal order.

The common-law label remains meaningful if it is used to identify a historical and institutional influence. It becomes incomplete when treated as an exhaustive classification or as evidence that other sources are marginal.

14. COMPARATIVE ANALYSIS: SOUTH AFRICA

South Africa is commonly described as a mixed legal system. Roman-Dutch law has had a major influence on private-law doctrine, while English law has affected aspects of procedure, commercial law, and legal institutions. African customary law is also part of the legal order. These influences have developed within a particular historical setting and should not be treated as interchangeable strands.

The Constitution of the Republic of South Africa, 1996, gives the current legal order a clear constitutional framework. Section 2 provides that the Constitution is the supreme law and that law or conduct inconsistent with it is invalid. The provision is important to classification because it establishes a rule of legal hierarchy that applies across inherited traditions, rather than belonging exclusively to any one of them.

Section 211 addresses traditional leadership and customary law. It recognises the institution, status, and role of traditional leadership according to customary law, subject to the Constitution. It also directs courts to apply customary law when applicable, subject to the Constitution and legislation specifically dealing with customary law. The text thus places customary law within the national legal framework while making its application subject to constitutional and legislative limits.

The South African example shows why “mixed” is a beginning rather than a complete explanation. Roman-Dutch doctrine may be central to one legal question, English influence to another, and customary law to a third. Constitutional supremacy provides an overarching framework for evaluating all of them. Their relative significance must be assessed by reference to the field and issue under consideration.

A sound description should therefore identify the relevant legal source and explain how it is recognised and constrained. This avoids reducing South Africa either to a European private-law lineage or to a generalised account of mixture.

15. COMPARATIVE TABLE AND DISCUSSION

India and South Africa share some features but differ in the historical sources and constitutional arrangements that shape their legal orders. Both have written constitutions and inherited elements of British legal institutions. Both also recognise that law cannot be explained solely through a common-law/civil-law binary. The comparison is useful precisely because the similarities do not erase the differences.

India’s common-law inheritance is especially visible in the court system and in Article 141’s rule concerning Supreme Court precedent. Legislation and codified law govern extensive areas. Personal laws and context-specific customary practices add further sources, whose authority depends on the relevant legal framework. South Africa, by contrast, has a major Roman-Dutch private-law foundation, English influence, and express constitutional provisions addressing customary law.

The table below is a summary of selected dimensions, not a ranking or a complete account. A source may be important in one field and less significant in another. For example, a comparison focused on precedent will make India’s common-law inheritance particularly visible; a comparison focused on the historical development of private law will place Roman-Dutch influence in South Africa at the centre. A study of pluralism must examine the legal position of customary norms in both jurisdictions.

The comparison supports a practical rule for comparative research: begin with the

question, select the criterion that bears on it, and then test the classification against primary legal materials. A table can make the comparison legible, but it cannot replace explanation of legal authority, institutional practice, or constitutional hierarchy.

Dimension India South Africa

Historical influences British legal and institutional inheritance; diverse Roman-Dutch private law; English influence; African pre-existing legal practices. customary law.

Constitutional Written Constitution; constitutional supremacy and 1996 Constitution is supreme law (s.

2). framework judicial review.

Precedent Supreme Court law declared is binding on all courts (art. Judicial decisions matter within a constitutional system; 141). no single label captures all sources.

Legislation Extensive central and state legislation, including codified Legislation operates alongside inherited private law and criminal and procedural law. customary law.

Customary / plural Personal laws and context-specific customary practices, Customary law expressly addressed in s. 211, subject to sources subject to applicable law. Constitution and legislation.

What the label explains “Common law” identifies a major inheritance, not the “Mixed system” signals multiple lineages but needs whole legal order. field-specific explanation.

The table is deliberately selective. It identifies the dimensions relevant to the paper’s question and does not imply that either jurisdiction can be reduced to a checklist. A complete country study would examine additional fields and the case law applying these provisions.

16. CRITICAL ANALYSIS, FINDINGS, RECOMMENDATIONS AND CONCLUSION

The analysis confirms that legal-family labels can organise comparative inquiry, but their explanatory force depends on the question being asked. A label may accurately identify a historical inheritance while remaining incomplete as a description of present legal authority. The risk is not classification itself; it is the unexamined assumption that one category can account for all sources, institutions, and fields of law.

India demonstrates the difference between historical lineage and present structure. Common-law influence and binding precedent are significant, but they operate within a written constitutional order and alongside extensive legislation and plural legal arrangements. South Africa demonstrates a different form of layering: Roman-Dutch

private law, English influence, and customary law exist within a constitutional framework that gives the Constitution supremacy and addresses the application of customary law.

The principal finding is that classification should be multi-dimensional and explicit. A researcher should identify the legal field and period, state the criterion being used, distinguish historical influence from current legal authority, and explain how sources interact. This approach does not remove all ambiguity, but it makes the basis of the comparison visible and allows readers to assess its limits.

For future comparative work, legal-family labels should be treated as provisional descriptions. Country studies should avoid presenting customary or religious norms as uniform, and should identify the institutions that recognise and apply them. Where the research question concerns lived experience or the frequency of legal practices, doctrinal analysis should be supplemented by empirical research. These recommendations follow from the limits of the method used in this paper.

In conclusion, contemporary legal systems are better examined as evolving legal orders than as members of exclusive and permanent families. Common-law, civil-law, religious, customary, socialist, and mixed-system categories remain useful when their criteria are stated and their limits acknowledged. A layered approach preserves the organisational value of classification while making room for constitutional design, historical change, legal pluralism, and local variation.

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PRIMARY LEGAL MATERIALS

5. Constitution of India, 1950, art. 141.

6. Constitution of the Republic of South Africa, 1996, ss. 2 and 211. Constitution of the French Republic, 1958, arts. 61 and 61-1.
7. Submission note: Add pinpoint citations to the editions and legal materials actually consulted, and check the final bibliography against the university's required citation style.