**COMMON LAW**, an expression which may have several meanings, according to the context in which it is used. In its broadest sense, it denotes the law developed in the course of the centuries in England, and transmitted to Ireland, large parts of the United States and Canada, Australia, New Zealand, and other "common-law" countries. There is often an implied contrast with the other great tradition of European law which is either Roman in origin, or deeply tinged with Roman influences. In narrower senses, common law may mean the traditional part of the law as distinct from legislation; the universal part of law as distinct from particular local customs, such as the "gavelkind" of Kent; or especially those parts of the system administered in the old courts of King's Bench and Common Pleas, as distinct from certain later developments called "equity," which were peculiar to the court of chancery.

**Anglo-Saxon Law.**—The main features of this Anglo-Saxon law which preceded the common law are known to us from texts dating from about 600 A.D. onwards. In general, they resemble the group of barbarian laws which grew up in northern France and Germany and Scandinavia, where invaders of the same or related stocks had made their homes. In England, Jutish elements can be distinguished, and the areas settled by the Danes (called the Danelaw) are markedly different from those which were Anglo-Saxon. The texts of Anglo-Saxon law were much copied and used even after the Norman Conquest, and as late as the 12th century, the law generally in force was still essentially Anglo-Saxon, and administered in the Anglo-Saxon courts of the shire and the hundred.

The pre-Conquest kings, like all Christian rulers, admitted a general responsibility for law and order, but did not claim more than a vague supervision. They avoided the direct administration of the law in all but the most exceptional cases, leaving local institutions to apply traditional rules and procedures which evidently varied in detail from place to place.

**Norman Law.**—The Norman kings took a much more active view of their duties and intervened freely in the administration of justice. First they had to tame the sheriff who dominated the county (shire) court, so as to prevent him becoming an over-powerful magnate—and this without at the same time crippling an essential local institution. By issuing writs, authorizing the sheriff to do justice in the county court in the king's name, the kings finally subjected the county to strict royal control. To subdue the local courts, strongholds as they were of the old Anglo-Saxon law, was only half the battle, for a central court was essential if that control was to be effective. Here the Normans broke with the old traditions, and invited the public to litigate in the king's court. That court was primarily composed of, and concerned with, tenants-in-chief only; but Henry II established a subordinate branch, which became the Court of Common Pleas "to hear the complaints of the people." Cases in local courts could be removed into the "bench," as it was shortly called, and those who wished could bring their cases from the outset into the bench without passing by the county at all, if they secured a writ returnable there. By these means Henry II erected the most centralized judicial system of all Europe.

**Origins of Common Law.**—Through this closely knit system of central and local courts, the crown thus became the fountain of justice, dispensing a law which was "common" to all the land. The common law is therefore the expression of royal centralization at the expense of local institutions, and is in origin the principles and practices developed by the king's courts, particularly the Court of Common Pleas. The unification of a nation's law is bound to come sooner or later, but it was only the Norman Conquest which made possible at such an early date the creation of a body of law "common" to so large a country. Little more than a century after the Conquest the system was sufficiently advanced to form the subject of the book called "Glanvill" (c.1187), which is devoted solely to a description of the forms and proceedings of the king's court.

**Royal Writs.**—The machinery through which the common law was created was the royal writ, a curt and peremptory order to do justice, addressed to the lord of a feudal court, or to the sheriff of a county. In the latter case it may authorize the sheriff to dispose of the case, or it may command him to summon the defendant before royal justices at Westminster or touring the country. Already in the 12th century it was becoming an acknowledged principle that none need answer claims against him for his free land, unless made by a royal writ. Thus the crown secured a monopoly of the most important sort of civil litigation.