## 香港电影《法内情》

## The Truth

Mother: Ye Huilan叶惠兰 Son: Liu Zhipeng 刘志鹏

**电影简介：** 刘志鹏是一位在孤儿院长大的青年律师，曾为一位被控谋杀罪的妓女刘惠兰打官司，但他不知道叶惠兰原来是自己的母亲。叶惠兰平日被警察收黑钱敲诈，生活相当悲苦。更不幸的是律师儿子刘志鹏的出世证又落入那个警察手中，叶惠兰遭到巨款勒索，她决定去赌博碰运气，结果因出千被识破遭到毒打。在走投无路之下，叶惠兰杀死了那个警察，被捕候审。

孤儿院的修女玛利亚知悉此事后，找刘志鹏再次为叶惠兰辩护。叶惠兰为了不让儿子知道他自己的身世，宁可自杀，幸而获救。修女玛修亚忍不住向刘志鹏讲出了秘密: 叶惠兰不仅是他的亲生母亲，还是那位在经济上供他到外国留学的无名氏叔叔。

刘志鹏与法官及检控官早有摩擦，积怨甚深，这使得他为母亲辩护处于被动孤立的处境。刘志鹏为救母亲铤而走险：收买证人，教唆作假口。 事情败露后，刘志鹏面临知法犯法的惩罚。在法庭上刘志鹏讲出了他的真正身世，赞颂母亲叶惠兰的伟大，结果博得陪审团的宽大处理。

Character Analysis:

1. Character’s Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Is the character static or dynamic?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. What type of person is this character?

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1. What parts of the story make you feel this way?

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1. In what ways has the society or the environment created the character?

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1. How does the character appear to other characters?

(Be specific about which character.)

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1. What legal system does Hong Kong apply? Common Law or Continental Law?

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**Common Legal System共同法》**

The common-law legal system exists in England, the United States, and other countries colonized by England. It is different from continental legal system, which predominates in Europe and regions colonized by France and Spain. Anglo-American common law brings its roots to the medieval idea that the law inherited from the king’s courts characterized the common custom of the people. Early common law procedure was ruled by a system of Pleading, under which only the wrongdoings specified in approved writs could be litigated. Complainants were mandatory in order to satisfy all the specifications of a writ before they were allowed a right to use to a common-law court. This system as substituted in both England and the United States during the 19th century. Common law courts base their decisions on previous judicial verdicts rather than on legislative enactments. While a statute monitors the dispute, judicial analysis of that statute decides how the law applies. In common legal system, judges rely on their predecessors' judgments of concrete disagreements, rather than on abstract codes of texts. Under the principle of Stare Decisis, common law judges must look at former decided cases or precedents where the facts are considerably the same. As common-law decisions deals with daily cases as they start to occur, social changes, inventions, and discoveries make it vital for judges often to pay attention to outside reported decisions for guidance in a case of previous undetermined legal issue. This system makes it possible for judges to observe other jurisdictions or consider past or present judicial experience for analogies to help in making a decision. This is very flexible way for a common legal system so as to deal with changes that might lead to unexpected controversies. At the same time, stare decisis gives confidence, uniformity, and predictability and contributes to a stable legal environment. In common law system all citizens including government officials are subject to the same set of laws and the state power is limited by those laws.

**Continental Legal System大陆法**

The continental legal system is directly traceable to the Roman law as compiled and codified under Justinian in the sixth century A.D. It includes the law of individuals, the family, inheritance, property, torts, unjust enrichment, and contracts and the resolutions by which interest falling within these groups are judicially defended. Continental law legal system is fundamental law to majority of civil lawyers. Basically, continental system produces common values or principles and makes a distinction between substantive rules and procedural rules. It keeps legislation as the foremost source of law, the court system is typically inquisitorial, boundless by precedent, and consists of professional judicial officials. The rule of continental law is to build a bridge of available and written collection of the laws which concern all citizens and which judges must follow. Colonial expansion extended the continental law system and European civil law has been accepted in much of Latin America as well as in parts of Asia and Africa. The legal code is also the major source of law which is compendium of statutes. Law codes are mostly made by a legislature's enactment of a new statute that represents all the old statutes linking to the subject as well as changes demanded by court verdicts. Nevertheless, codification is not the crucial characteristic of the system, as for instance, the continental systems of Scotland and South Africa are not codified as well as systems of Scandinavian countries.

Original distinction between common and continental law is that, at the beginning, the common law was the law developed by tradition, prior to there were any printed and published laws and continuing to be applied by courts. There is less direct contact with the judges in continental legal system, since they base their verdicts on a documentary proof and the legislation is considered to be the main source of law. Thus, courts base their decisions on the need of codes and statutes. By contrast, case law is thought to be the major source of common law legal system where statutes are mostly considered to be a supplementary to judicial opinions and taken narrowly. The fundamental principle of division of powers is seen rather different in civil law and common law countries. For instance, in common law country such as the United States, judges are thought to be as the person who balances the power of the other branches of government. However, the original idea of division of powers in France was to assign various roles to legislation and to judges, where the latter only applied the law. Moreover, it is commonly believed that common law views are much longer and consist of complex reasoning, while legal opinions in continental system countries are very concise and formal in nature. Practically, this is true case in France, where judges refer to only legislation, yet not to former case law. Conversely, court views in German-speaking countries might be as extensive as English ones, and usually discuss prior cases longer.

**Civil law** (or **civilian law**) is a legal system originating in [Europe](http://en.wikipedia.org/wiki/Europe), intellectualized within the framework of late [Roman law](http://en.wikipedia.org/wiki/Roman_law), and whose most prevalent feature is that its core principles are [codified](http://en.wikipedia.org/wiki/Codification_%28law%29) into a referable system which serves as the primary source of law. This can be contrasted with [common law](http://en.wikipedia.org/wiki/Common_law) systems whose intellectual framework comes from judge-made [decisional law](http://en.wikipedia.org/wiki/Case_law) which gives [precedential](http://en.wikipedia.org/wiki/Precedent) authority to prior court decisions on the principle that it is unfair to treat similar facts differently on different occasions (doctrine of judicial [precedent](http://en.wikipedia.org/wiki/Precedent))