

## SELF PROGRAM 2018-219

### Introduction to French Law

Marie TILLMANN

#### COURSE INFORMATION

**Number of credits** : 6 credits

**Contact hours** : 30 hours

**Hours taught per week** : 2,5 hours

**Teaching period** : Spring 2019

#### COURSE OUTLINE

<i>Class 1</i>	Origins of French Law
<i>Class 2</i>	Grand principles of French Law
<i>Class 3</i>	French Judicial System
<i>Class 4</i>	Law and its formal sources 1: Constitution
<i>Class 5</i>	Law and its formal sources 2: Statutes and the <i>Codification</i>
<i>Class 6</i>	Law and its informal sources - Case Law, Legal Tradition and Doctrine
<i>Class 7</i>	Major French case law
<i>Class 8</i>	Subjective rights
<i>Class 9</i>	Rights of a natural and a juridical person
<i>Class 10</i>	Classification of subjective rights
<i>Class 11</i>	Introduction to French Civil Law
<i>Class 12</i>	Exam

## **COURSE CONTENT**

### **Introduction**

- Preliminary introduction
  - o General legal theory – positivism, realism, ...
  - o Continental law vs. Common law
  - o Interpretation of the Law in France
- Historical events
  - o Ancien droit, Révolution, Concordat, 3<sup>rd</sup>, 4<sup>th</sup> and birth of the 5<sup>th</sup> Republic
- Branches of Law
  - o Opposition between private and public law in France

### **Part 1- Objective Rights**

#### **Preliminary Chapter – Fundaments of the judicial system**

- Grand principles of French Law
- Legal procedure
  - o Art 6 ECHR
  - o “Inquisitoire”/ “Accusatoire”
- Judicial system
  - o Administrative judicial system: Conseil d’État, Administrative Courts, Administrative Courts of Appeal
  - o Tribunal des conflits
  - o Civil judicial system: Cour de Cassation, Civil Courts of Appeal, Commercial Courts, TGI and TI.
  - o Criminal judicial system: Cour de Cassation, Courts of Appeal, Cour d’assises, Tribunal de police.
  - o Conseil Constitutionnel

#### **Chapter 1 – Formal sources of the Law**

##### **Section 1 – Supra-legal sources**

- Constitution
  - o Meaning
  - o Separation of the powers
  - o Organisation of the powers under the 5<sup>th</sup> Republic (President, Parliament and government)
- International Sources

- EU Law
- International Treaties

## **Section 2 – The Law**

- Definition
- Types of laws (Kelsen)
- Importance of Codes – codification process

## **Chapter 2 – Informal sources of the Law**

### **Section 1 – Legal Tradition**

- Definition
- Role

### **Section 2 – Doctrine**

### **Section 3 – Case Law / Jurisprudence**

- Elaboration
- Nature
- Use in the French system
  - French Case Law, EU Case Law, ECHR Case Law
- Major French Case Law
  - Administrative
  - Civil
  - Criminal

## **Part 2 – Subjective Rights**

### **Chapter 1 – Holders of subjective rights**

#### **Section 1 – Definition**

- Types of subjective rights
- Legal person (definition and meaning – basics of civil law)

#### **Section 2 – Natural person**

- Definition
- Existence of a natural person
- How to identify a natural person

#### **Section 3 – Juridical person**

- Existence of a juridical person
- Applicability of the law
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## **Chapter 2 – Classification of subjective rights**

### **Section 1 – Classification according to their object**

- Proprietary rights
- Non-proprietary rights

### **Section 2 – Classification according to their sources**

- Distinction between an act and a fact
- *If time*: burden of the proof

## **Chapter 3 – Introduction to French Civil Law**

### **Section 1 – Family Law**

- Birth
- Marriage
- Divorce
- Adoption
- Disappearing

### **Section 2 – Contract and Tort Law**

- Private Enforcement
- Tort Law

## **COURSE OBJECTIVES**

The object of this course is to provide students with an overview of the basis and main areas of French law. Throughout this course, we will focus on the fundamentals concepts at hand under a comparative and historical scope as well as a current issues input.

## **PREREQUISITES**

None

## **ASSESSMENT**

1/3 Oral presentation

2/3 Final exam

## **ATTENDANCE**

Presence is mandatory to take part in this class. Nevertheless, a maximum of two unexcused absences will be allowed otherwise no mark will be given. An unexcused absence at a test (final or continuous assessment) means no credits for the course.