

# Introduction to French Law

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This general introduction of the French Legal System provides an explanation on the word of codified law, its principles, underlying philosophy as distinct from that of the Anglo-Saxon system. We will provide also a brief overview of the history of French law, in particular the major upheavals caused by the French Revolution. This will be followed by a general introduction on French law, its major characteristics, its sources, and its branches.

We will examine and explain some of the basic concepts of French law which dominate and characterise its philosophy and practical application.

## **I.- Law and Society**

- a) Ubi societas ubi iure : The Social Construction of Law
- b) The two Main Families of Western Systems : Common Law and Continental Law
- c) The French Law as Foundation of Other Continental Systems
- d) Historical Overview of French Law :
  - i) Pre-revolutionary Period
  - ii) Revolution
  - iii) The Codification and the Modern Law
- e) The Place of French Law in the Construction of the European System

## **II.- Sources of French Law**

- a) Written Law as Main Source of the Continental Model : The Constitution, International Treaties and Legislation
- b) Decision of the Courts
  - i) Structure of French Courts : Ordinary Courts and Administrative Courts
  - ii) Legal Personnel

c) The Doctrine and the French General Principles of Law

### **III.- Branches of French Law**

a) Constitutional Law and Institutions of the Fifth Republic

b) Civil Law

- i) The Law of Persons
- ii) The Law of Property
- iii) The Law of Obligations
- iii) The Law of Family

c) Business Law

- i) Special Business Contracts
- ii) Companies

d) Criminal Law

- i) Classification of Criminal Offences
- ii) Criminal Sanctions

e) Administrative Law

- i) The Law of Administrative Organisation
- ii) Judicial Review of Administrative Action
- iii) The Administration and the Citizen

### **Bibliography**

Alter, Michel, *The French Law of business contracts, general principles*, Louisiana State University, Cop. , 1986.

Barry, Nicholas, *French Law of Contract*, Butterworths, London, Butterworths, 1982.

Dadomo, C. and Farrar, S., *The French Legal System*, Butterworths, 1993.

David, René, *French Law, its structure, sources and methodology*, Baton Rouge : Louisiana State University, 1972.

Tallon, Harris and Denis, *Contract Law Today : Anglo-French Comparaisons*, Clarendon, Oxford, 1989.

Weston, M., *An English Reader's Guide to the French Legal System*, Berg, 1993.